



REPUBLIC OF KENYA

**THE NATIONAL
ASSEMBLY
OFFICIAL REPORT**

**FIRST PARLIAMENT INAUGURATED
7th June 1963**

**Vol. XVII
(Part I)**

Seventh Session

Tuesday, 20th May 1969

to

Friday, 27th June 1969

Note.—Index published separately.

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CORRIGENDA TO VOLUME XVII (PART I)

Col. No.

- 15 Top of Column for Mr. Abdilahi, *read* Mr. Abdillahi.
- 153 "I. District Shied Competition", *read* "Shield".
- 241 Top of Column—name of speaker should be Mr. Jahazi, *not* Mr. Okelo-Odongo as printed.
- 325 Top of Column—name of speaker should read Mr. Nyaberi, *not* Mr. Nyamberi as printed.
- 427 Top of Column—name of speaker should be Mr. Kiprotich, *not* Mr. Galgallo as printed.
- 443 Top of Column read "The Assistant Minister for Lands and Settlement" for speaker.
- 479 Top of Column—title of speaker: *insert* "The Minister of State, President's Office".
- 652 Before Mr. Ngei speaks, his title should show as "The Minister for Housing".
- 745 Bottom of Column, after the Speaker says "It is in order", *insert* "The Minister for Housing (Mr. Ngei): I am very grateful to you . . . etc."
- 836 Top of Columns—the running titles—Motion—for "Extension of Time for Debate" as printed, *read* "Review of Agricultural Price Structure".
- 920 Bottom of Column—Speaker speaking: for "Mr. Kibuya", *read* "Mr. Kibuga".
- 943 Top of Column—sixth line of Speaker speaking—for "reputation", *read* "refutation".
- 970 Speaker speaking—for "Mr. Masori-Itumbo", *read* "Mr. Maisori-Itumbo".
- 1112 Top of Column for Member speaking: for "Mr. Tsalawa", *read* "Mr. Tsalwa".
- 1213 Top of Column—name of Member speaking should be Mr. Kibuga, *not* Mr. Wario as printed
- 1237 Bottom of Column—after Chairman says, "we are discussing other things", and before commencement of new paragraph, *insert* name of speaker, which is "Mr. Ondiek-Chillo". "I am not discussing other things . . .".
- 1419– Top of Columns—Title of Motion *should read* "Raising Nakuru Municipality
1443 to City Status", *not* as printed.
- 1465 Title of Question No. 231 *read* "Increased Prices of Tea Leaf", *not* as printed.

THE NATIONAL ASSEMBLY

LIST OF MEMBERS

First Parliament—Seventh Session 1969

Ministers:

THE PRESIDENT (His Excellency, the Hon. Mzee Jomo Kenyatta, M.P.)
VICE-PRESIDENT AND MINISTER FOR HOME AFFAIRS (His Excellency, the Hon. D. T. arap Moi, M.P.).
MINISTER OF STATE, PRESIDENT'S OFFICE (The Hon. Mbiyu Koinange, M.P.).
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 (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. J. Nyamweya, M.P.).
MINISTER FOR LABOUR (The Hon. E. N. Mwendwa, M.P.).
MINISTER FOR TOURISM AND WILDLIFE (The Hon. S. O. Ayodo, M.P.).
MINISTER FOR LANDS AND SETTLEMENT (The Hon. J. H. Angaine, M.P.).
MINISTER FOR HOUSING (The Hon. P. J. Ngei, M.P.).
THE ATTORNEY-GENERAL (The Hon. C. Njonjo, M.P., *Ex officio* with Ministerial Status).
MINISTER FOR INFORMATION AND BROADCASTING (The Hon. J. C. N. Osogo, M.P.).
MINISTER FOR NATURAL RESOURCES (The Hon. J. J. Nyagah, 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. Dr. J. G. Kiano, M.P.).
MINISTER FOR FINANCE AND ADMINISTRATION (EAST AFRICAN COMMUNITY) (The Hon. J. Odero-Jowi, M.P.).

Assistant Ministers:

VICE-PRESIDENT'S OFFICE (The Hon. R. S. Matano, M.P., The Hon. E. Omolo Agar, M.P.).
MINISTRY OF FINANCE (The Hon. S. M. Balala, 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 (The Hon. W. C. Murgor, M.P., The Hon. J. M. Kariuki, M.P.).
MINISTRY OF HEALTH (The Hon. J. N. L. ole Konchellah, M.P.).
MINISTRY OF LOCAL GOVERNMENT (The Hon. K. K. Njiiri, M.P., The Hon. N. W. Munoko, M.P.).
MINISTRY OF WORKS (The Hon. E. K. K. Bomett, M.P., The Hon. G. Godana, M.P.).
MINISTRY OF POWER AND COMMUNICATIONS (The Hon. D. C. N. Moss, M.P., The Hon. J. Masinde, M.P.).
MINISTRY OF LABOUR (The Hon. F. P. K. Kubai, M.P., The Hon. Oselu-Nyalick, M.P.).
MINISTRY OF TOURISM AND WILDLIFE (The Hon. Jan Mohamed, M.P., The Hon. J. K. ole Tipis, M.P.).

LIST OF MEMBERS—(Contd.)

Assistant Ministers—(Contd.)

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- 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.).
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- MINISTRY OF CO-OPERATIVES AND SOCIAL SERVICES (The Hon. B. C. Maisori-Itumbo, M.P., The Hon. G. N. Kalya, M.P.).
- MINISTRY OF COMMERCE AND INDUSTRY (The Hon. S. S. ole Oloitipitip, M.P., The Hon. A. K. Kerich, M.P.).
- MINISTRY OF EDUCATION (The Hon. E. E. Khasakhala, M.P., The Hon. G. Mutiso, M.P.).
- DEPUTY MINISTER FOR COMMUNICATIONS, RESEARCH AND SOCIAL SERVICES (EAST AFRICAN COMMUNITY) (The Hon. J. K. Cheruiyot, M.P.).

Constituency Members:

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

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

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

LIST OF MEMBERS—(Contd.)

Constituency Members—(Contd.)

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

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

153. WAMALWA, THE HON. W., M.P., Kitale West.
154. ||WAMUTHENYA, THE HON. A. K., M.P., Mathira.
155. WANJAGI, THE HON. R. M., M.P., Kangema.
156. WARIITHI, THE HON. H. C., M.P., South Tetu.
157. WARIO, THE HON. H. W., M.P., Isiolo South.
158. WOOD, THE HON. M. B., M.P., Nakuru North.

Specially Elected Members:

1. ALEXANDER, THE HON. R. S., M.P.
2. ||BALALA, THE HON. S. M., M.P.
3. CHIRCHIR, THE HON. W. K. ARAP, M.P.
4. HASSAN, THE HON. N. A., M.P.
5. 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.

| | | |
|---------------------------|---------|-----|
| <i>Ex Officio</i> | | 1 |
| Elected Members | | 158 |
| Specially Elected Members | .. | 12 |
| TOTAL | .. | 171 |

* His Excellency The President.

† His Excellency The Vice-President.

‡ The Deputy Speaker and Chairman of Committees.

§ Already included in the list of Ministers.

|| Already included in the list of Assistant Ministers.

¶ Minister in the East African Community.

** Deputy Minister in the East African Community.

STAFF OF THE NATIONAL ASSEMBLY

The Speaker:

THE HON. HUMPHREY SLADE, M.P.

The Deputy Speaker and Chairman of Committees:

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

Clerk of the National Assembly:

MR. L. J. NGUGI.

1st Clerk Assistant:

MR. G. C. OPUNDO

2nd Clerk Assistant:

MR. J. O. KIMORO.

3rd Clerk Assistant:

MR. R. V. MUGO.

Serjeant-at-Arms:

MR. J. BARASA

Assistant Serjeant-at-Arms:

~~MR. J. O. RAMBAYA~~
MR. F. W. OMORI

Assistant Serjeant-at-Arms:

MR. S. G. KIBUTHU.

Speaker's Secretary:

MRS. J. FRYER.

Hansard Editor:

MRS. J. D. RAW.

Assistant Hansard Editor:

MR. G. MACHARIA.

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MRS. S. TOMLINSON*;

J. GICHURU; H. GITHAE; J. KATHURI; P. LEO; J. MACHANJE; S. MUCHERU; S. MUGOH;

M. MUKABI; J. MWANGI; J. MWANIAH; C. NASIALI; J. NJOROGE; P. NYAN'GAU;

F. WANJOHI; S. WAWERU.



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

First Parliament—Seventh Session

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

Tuesday, 20th May 1969

POINT OF ORDER

STATE OPENING OF NEW SESSION

The National Assembly met at Nine o'clock at Parliament Buildings on Tuesday, 20th May 1969 it being the first day of the New (Seventh) Session

PRAYERS

COMMUNICATION FROM THE CHAIR

DEATH OF THE PRESIDENT OF INDIA

The Speaker (Mr. Slade): Hon. Members, on Saturday the 3rd May 1969, India suffered a grievous loss by the death of her President, the late Dr. Zakir Husain. I have already written to the High Commissioner, expressing the sympathy of this House; but today, when we sit again for the first time after that date, we should record our sympathy in more solemn form.

Dr. Husain was a man of whom his country was justly proud, not only as her figurehead but also for his personal virtues and achievements. A very learned man, a great educationist, an outstanding spiritual leader, and a man of peace. The fact that he, a Muslim, was universally accepted and revered by a predominantly Hindu population, is the strongest possible evidence of those and other virtues; virtues which fitted him beyond question and which proved him by his achievement to be a great President of a great country.

We ask the Acting President, the Government, and the people of India, as represented by their High Commissioner here today, to accept our respectful congratulations on all that Dr. Zakir Husain accomplished while living as their President, and our deep sympathy with them in the loss which his death has now brought upon them.

Let us stand in silence to pay tribute to his memory.

(Hon Members stood for one minute in silence)

ORDER OF BUSINESS ON ORDER PAPER

Mr. Mbogoh: On a point of order, Mr. Speaker, according to the Order Paper, I find that there was to be an Administration of Oath. If it is the Sessional Committee which had drawn up the Order Paper, have we any power to change it since the new candidate appears to be late?

The Speaker (Mr. Slade): Hon. Members, this Order Paper was not actually prepared by the Sessional Committee because we have no Sessional Committee at present. It was prepared by the Clerk at the direction of the Speaker. The Speaker has at all times power to change the order of business for the convenience of Members and I think it will be for the convenience of the House if we change this Order to that extent and take the Administration of Oath now.

ADMINISTRATION OF OATH

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

Wasonga Sijeyo.

NOTICE OF MOTIONS

LIMITATION OF DEBATE ON THE PRESIDENTIAL ADDRESS

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to give notice of the following Motions:—

THAT, the debate on the Presidential Address be limited to a maximum of four days and that the speeches be limited in the following manner—

(a) twenty minutes for the Mover while moving and 20 minutes for the reply; and

(b) ten minutes for each other Member speaking.

LIMITATION OF DEBATE ON PRIVATE MEMBERS' MOTIONS

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 20 minutes for the Mover, 20 minutes for the Government Official Responder and 10 minutes for each other Member speaking, and that 10 minutes before the time for expiry the Mover be called upon to reply.

MEMBERSHIP OF STANDING AND SELECT COMMITTEES

THAT, this House directs that all the Membership of Standing and Select Committees of the House existing before prorogation of the National Assembly remains unaltered and that those committees continue to serve the House until otherwise ordered.

LIMITATION OF DEBATE: MOTIONS FOR THE ADJOURNMENT INTO RECESS

THAT, the debate on any Motion for the Adjournment of the House 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 for each Member speaking.

Provided that, when the period of Recess proposed by any such Motion does not exceed nine days, the debate shall be limited to a maximum of 30 minutes, and shall be strictly confined to the question of adjournment.

POINT OF ORDER

PROCLAMATION OF PARLIAMENT TO BE CONVENED

Mr. Kago: On a point of order, Mr. Speaker, I would like to get your guidance on this point. I remember that some time ago this House was prorogued by the President of the Republic of Kenya. According to my understanding, before the House is then opened by the President it is in a suspended state, in which case it cannot perform any duty nor can it sit as a Parliament.

Now, Mr. Speaker, we seem to have done three jobs this morning, before the House could be legally, so to speak, opened by the President. What is going to be the position of these jobs that we have done? Are we going, then, to re-do them when the House is once again legally opened by the President?

The Speaker (Mr. Slade): Hon. Members, Mr. Kago is right, of course, that when the House has been prorogued it is, in effect, suspended until a new session is started by Proclamation of

the President. If hon. Members, or Mr. Kago, had read the Kenya Gazette more carefully, he would have seen that the President's Proclamation on this occasion convened this House for a new session on "Tuesday, 20th May, at 9 a.m."

The Speaker (Mr. Slade): Hon. Members, the House is now adjourned until 10.30 a.m. pending the arrival of His Excellency the President for the ceremonial opening of the new session.

(Proceedings were suspended from 9.15 a.m. to 10.35 a.m.)

ARRIVAL OF HIS EXCELLENCY THE PRESIDENT

(His Excellency the President (Mr. Jomo Kenyatta) escorted by the Speaker and accompanied by the Mace of the National Assembly entered the Chamber at thirty-five minutes past ten o'clock)

His Excellency the President (Mr. Jomo Kenyatta) took the Chair

(The Mace of the National Assembly was placed on the Table)

COMMUNICATION FROM THE CHAIR

WELCOME TO HIS EXCELLENCY THE PRESIDENT

The Speaker (Mr. Slade): Your Excellency, today, once again, and presumably for the last time in the life of this Parliament, we welcome you to open a new session.

On the 14th day of December 1964, when you first addressed this House as our President, you reminded us that you were addressing an institution of which you were also a part; and that the whole apparatus of the State becomes personified when you step down to join us. It is in such dual yet unifying capacity that we welcome you today.

I look back, Your Excellency, to some other things which you said on that memorable occasion, more than four years ago, when you described the duties lying before us as the first independent Parliament of Kenya.

You referred to the Kenya Parliament as "the supreme instrument of the State", which must contribute to the Republic something far more than just machinery to give the plans or requirements of the Government to this lawful status. It was to be our forum for discussion and proposal, for question, objection or advice. It was to serve as a bridge between Government and the people. It was to lay and maintain a foundation of dignity. It was to work for the creation of a new social conscience, so that the Republic be rooted in human respect.

Now, as the life of this Parliament nears its close, it is not for me to say how far we have yet achieved these high purposes which you then

[The Speaker]

set before us. We stand to be judged by you and by the public, whom we are here to serve. Only I can say that we have never lost sight of those purposes, and shall never do so. If we have failed, it has not been altogether for want of effort; nor do I believe that any worthy effort can ever be altogether in vain.

If, however, we have achieved aught of what you required us to achieve, we owe that achievement largely to the confidence which has been placed in us, and to the respect and encouragement which this Parliament has received, from Your Excellency, from your Ministers, and from the people of Kenya.

I hope and pray that our National Assembly may continue to enjoy such confidence, respect and encouragement, not only during this new Session, but in all the years that lie ahead. The stability of a nation depends even more on the strength of its great institutions than on the strength of those who pass through them, but the strength of any institution depends ultimately on the confidence of those who it seeks to serve.

On behalf of all Hon. Members, I say that we shall strive yet again, heeding your words of 1964, to earn that confidence.

PRAYERS

*(Prayers were then said by the following:
Archbishop Beecher; Archbishop McCarthy;
The Rev. Sheikh-Abdalla-Sakhal-Farsy; and
Senior Chief Lepyapui Yakaine)*

PRESIDENTIAL ADDRESS

His Excellency the President (Mr. Kenyatta): Mr. Speaker, hon. Members of the National Assembly, a new session of the National Assembly gives me an opportunity—as Head of State—to say something about the dignity of Parliament, the function and responsibility of the hon. Members.

Within the framework of the business of this House, there must be and always will be scope for the full play of judgment and of conscience, constructive criticism, even of a robust nature, as a part of their contribution.

In a House now sufficiently experienced, there should be fewer parochial attitudes, far less automatic condemnation, or baseless and sometimes marathon attacks by hon. Members on the Government to which they are committed, by popular mandate, to support with loyalty and striving. There should be no wild allegations rooted in ignorance, or in failure to study the implications of some issue.

All these things are immature and contribute nothing to the parliamentary dignity and vigour that we should be proud and determined to maintain.

The Presidential and National Assembly Elections Bill has now been published, and will shortly be debated in this House. Any lawfully recognized political party will be able to select its candidates in accordance with procedure laid down in law, adapted and controlled by the party concerned. It is considered that this will give the people, through their local political institutions, more command over the emergence of candidates, who must then submit themselves to the full franchise in a popular election.

Since I addressed the House on this occasion last year, a consolidated Constitution has been laid before hon. Members. You will observe, therefore, that the Republic now has its own Constitution, approved by a Parliament of Kenya, as distinct from working under amended versions of an inherited document.

As the House will be aware, intensive work has been in progress preparatory to the launching of a revised Development Plan, covering the period 1969 to 1974. This new plan will place greater emphasis on economic projects and social services in the rural areas. Assisted by first results from some pilot schemes, all projects to be included, are now being finally examined by the Government. I have instructed my Ministers to accelerate this work, so that the full plan may be published as early as possible in the next financial year.

During the present year, many areas and individuals will increasingly benefit from the complex but necessary legislation on land matters that was recently passed.

The primary objective of these measures was to hasten and accomplish the consolidation and registration of land. My Government is most anxious to increase the number of landowners with proper titles, who will then be in a position to pledge security for development loans. This whole process can and must serve the vital cause of higher productivity in Kenya.

A full population census will be taken during August this year, and I expect everybody to assist administrative officers in what represents a considerable task. The census is expected to reveal a significant rise in Kenya's total population, with heavy emphasis on the younger age-groups. Exact details will be of great importance for further economic and social planning.

Over the whole field of agriculture, the most dramatic progress, in the immediate future, will be seen in the livestock industry. Having in mind

[His Excellency the President]

an increasing domestic consumption of livestock products, as well as external markets, the stage has now been reached when a tremendous surge forward in agriculture will be possible.

A virtual revolution in beef management may now—with World Bank assistance—be extended to marginal and outlying areas. This comprehensive livestock improvement programme has taken some time to design and organize, but it will now become the foundation of economic progress and social betterment in many districts that for so long were neglected.

The idea of collective ownership of ranches under proper title, providing an incentive to modernize the production of beef for the market, has already won enthusiastic response from the people in such areas as Kajiado and Taita. Other studies, with similar objectives, have reached an advanced stage in Garissa and Wajir, bringing water development, stock routes and disease control into full account.

By adapting new knowledge and services, backed by available finance, what is called the total range resource, will be worked out and properly exploited in all parts of the Republic.

In the field of crop husbandry, the House should appreciate with satisfaction that the full or partial failure of the Long Rains can no longer threaten Kenya's basic food supplies. Throughout past decades, any kind of drought meant an inevitable famine, but the Government has now succeeded in the primary task of feeding the people.

The next step in this whole context, assisted by research, must be greater diversity of cash crop production. Farmers should constantly be seeking or adapting fresh ideas, to break away from rigid patterns of output, especially in cases where traditional crops are threatened by surplus or by synthetics.

There is great scope, for example, for production of fresh vegetables, fruit and flowers, for sale in the markets of Continental Europe. In building up this trade, and for other purposes, reliable airfreight must come to play a vital part in Kenya's agrarian future.

The various Africanization programmes initiated by my Government, over the whole arena of private commerce and industry, will continue to be executed.

The Government will intensify its supervision of training schemes, which must increasingly be regarded as a vital part of investment. It is fully appreciated that the private or overseas investor must feel assured of a proper economic climate in which to pursue some industrial undertaking.

The investor should correspondingly accept—as the vast majority of business people do accept—that his activity here must contribute in every sense to what we mean by national development.

It has always been made clear that the Republic will continue to recruit or to welcome special skills from outside. We do not yet have a sufficient supply of trained manpower in every field of highly technical or top executive operation. In such instances, therefore, investors wanting to bring in their own personnel must and will be given every facility, subject only to the longer term training requirement, on which my Government will rightly insist.

The greatest social problem confronting the Republic today is unemployment. Emphasis placed on unemployment—which has always been with us—and which is far worse in many other developing States, is in fact a sign of Kenya's growing social organization and awareness of a proper cause for grave concern.

We shall continue to seize every opportunity to provide more jobs. The issue can only be resolved in the longer term, by the joint effort of the Government and the people.

In economic and social development, the modernization of agriculture, for example, must in some degree call for technology to replace human labour. This leads to more intensive working of the land which creates fresh demands for both skilled and unskilled labour.

A new kind of economy, rooted in a transformed agriculture, then comes into being, supported by all the improved rural amenities that will have been provided, in such fields of human needs as roads, water supplies, electric power, schools, health services and better housing.

In Kenya today, more people are in paid employment or successful self-employment than ever before. The whole economy is on the move—agriculture, commerce and the service industries—each with a modern superstructure. An expanding economy is the only real answer to unemployment.

We have contrived as well to expand our opportunities for trade and vocational training for more young people.

Both at formal meetings between Heads of State and Government, and in practical fields of administration and trade, our relations with the Republic of Somalia have grown progressively more cordial. This has proved to be of mutual benefit.

In the North-Eastern Province, as well as in other districts once affected by shifta aggression, my Government has been able to make financial and manpower allocations, and prepare the

[His Excellency the President]

ground for development undertakings. The improved water supplies and communications, as well as local processing industries, will open up new vocational opportunities.

My Government continues to be disturbed by instances of violent crime throughout the Republic. Legislation was recently passed to provide for punishment calculated to deter these bandits and thugs who are enemies of our society. I wish to give warning today that the situation is being kept under constant review. Unless there is a further significant decrease in the number of these crimes, very soon, the Government will have no hesitation in bringing far sterner measures into force.

All hands should be turned against this tiny group of inhuman and brutal gangsters, whose activities bring shame to the dignity and striving of our country. They should expect no mercy from the Government of Kenya.

I wish to say a word on this occasion about the stability of the Republic, from which remarkable development in every sphere has sprung, and about the need for national unity, which I have always defined as the key to progress throughout half a century in public life.

Under our Constitution and within our Parliamentary System, we have provided every facility for criticism and debate. My Government is increasingly concerned that the freedom we have entrenched, as part of our tradition and culture, are destroyed by a tiny minority into breeding-grounds for subversion.

There is no danger that these men can destroy or undermine all that our Kenya nationalism—made into a living force by the hard work of the people—has achieved. Their unacceptable endeavours and foreign ideology, aided by foreign money—will never change our way of life.

Kenya is non-aligned. We are determined to remain so, and to complete the task of nation-building with our own talents and resources, in our own way, as free members of the community of nations.

As we move towards the 1970's there are certain attitudes of mind that I wish to see adopted by Ministers of the Government, hon. Members of this House, Officers of the Public Service, Trade Union Leaders, and all who hold positions of influence or responsibility.

I want to witness and to feel harder work and more practical effort being made by all who carry the burden—and also the privilege—of public leadership. There must be more decisive and virile conduct of public business in many departments of national endeavour. We can in no sense afford to try and live on slogans or self-congratulation.

I wish national affairs to be set against the full perspective of Kenya's emergence on to the world stage. Our Republic is African in tradition and impulse, and we will remain dedicated to the interests and the brotherhood of Africa.

We have won a considerable reputation in world counsels, and must be prepared to make greater contributions to international affairs.

As we move towards ever-wider horizons, future achievements must depend increasingly on the creative contributions of the National Assembly. Decisive leadership and personal example here can further inspire the hard work and social dedication of all our countrymen. I have confidence that the people of Kenya will rise to every challenge, displaying the wisdom and the courageous spirit that alone can fulfil human destiny.

Thank you, Mr. Speaker.

NOTICE OF MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT, the thanks of this House be recorded for the exposition of public policy contained in His Excellency's Presidential Address from the Chair on 20th May 1969.

**DEPARTURE OF HIS EXCELLENCY
THE PRESIDENT**

The Speaker (Mr. Slade): Hon. Members, it is now His Excellency's pleasure to take his leave.

The House is, therefore, adjourned until tomorrow, Wednesday, 21st May, at 2.30 p.m. (*His Excellency the President in procession left the Chamber*)

ADJOURNMENT

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

Wednesday, 21st May 1969

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

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

PRAYERS

COMMUNICATION FROM THE CHAIR

ASSENT TO BILLS

The Speaker (Mr. Slade): Hon. Members, I have to inform you that during the prorogation of the House His Excellency assented to the following Bills which were passed during the last session:—

| <i>Title</i> | <i>Passed Third Reading</i> | <i>Date of Assent</i> |
|---|-----------------------------|-----------------------|
| The Agricultural Finance Corporation Act 1969 | 5.2.69 | 18.3.69 |
| The Central Road Authority (Repeal) Act 1969 | 17.2.69 | 18.3.69 |
| The Criminal Law (Amendment) Act 1969 | 20.2.69 | 21.3.69 |
| The Supplementary Appropriation Act 1969 | 18.2.69 | 21.3.69 |
| The Constitution of Kenya Act 1969 | 18.2.69 | 10.4.69 |

PAPERS LAID

The following Papers were laid on the Table:—
Sessional Paper No. 1 of 1969—Transfer of Government Property to Starehe Boys' Centre, Nairobi.

(*By the Assistant Minister for Finance (Mr. Balala) on behalf of the Minister of State, President's Office (Mr. Koinange)*)

L.N. 1—The Price Control (Maize and Maize Meal) (Amendment) Order 1969.

L.N. 2—The Price Control (Sifted Maize Meal) (Amendment) Order 1969.

L.N. 31—The Price Control (Rice) Order 1969. Borrowing under the Loans and Credit Facilities Act 1967.

Report No. 8: Loan for the Pilot Scheme and Stage I Commercial Scheme for the Mumias Sugar Industry from the Boaker Brothers McConnel and Co. Ltd.

(*By the Assistant Minister for Finance (Mr. Balala) on behalf of the Minister for Finance (Mr. Gichuru)*)

Sessional Paper No. 6 of 1968/69—Guarantee for a Loan from C.D.C. to the N.H.C.

(*By the Assistant Minister for Finance (Mr. Balala) on behalf of the Minister for Housing (Mr. Ngei)*)

The Speaker (Mr. Slade): With reference to the last Sessional Paper, concerning a guarantee, I would remind hon. Members that under the law as it now stands, the guarantee is deemed to have been approved by the House unless there is a Motion for disapproval or for further consideration within a limited period of days.

NOTICE OF MOTIONS

REPORT OF THE SELECT COMMITTEE ON LAND OWNERSHIP ON SETTLEMENT SCHEMES

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

THAT, this House adopts the Report of the Select Committee appointed by the House on 14th December 1967, to investigate into allegations of people holding more than one plot in the settlement schemes.

REPORT OF THE SELECT COMMITTEE ON AFRICANIZATION

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

THAT, this House adopts the Report of the Select Committee, appointed on the 7th July 1967, by the House, to investigate the possibilities of outright Africanization in all fields.

REPORT OF THE SELECT COMMITTEE: ALLEGATIONS OF POLICE INTERFERENCE BY MEMBER FOR NYERI

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

THAT, this House adopts the Report of the Select Committee appointed to investigate complaints made by the hon. Theuri in the House on 28th October 1968, regarding alleged Police inquiries into the motives of a Motion moved by him and the transfer of his wife.

FARMERS' LOANS TO KIUNGA AND WITU DIVISIONS

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

THAT, this House urges the Government to give loans to farmers of Kiunga Division and Witu Division so that they can escape the exploitation from the richer people in Lamu District.

SUSPENSION OF LOAN REPAYMENT FOR ISOGE SETTLEMENT SCHEME FARMERS

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

THAT, in view of the fact that settlers at Isoge Settlement Scheme in Sotik grow no cash crops owing to bad soil, and since all the cattle they bought through Government loans have

[Mr. Kebaso]

died because of unknown reasons, this House requests the Government to suspend repayment of loans until experts from the Ministry of Agriculture find out the alternative cash crops which can assist the farmers concerned to repay the loans.

ORAL ANSWERS TO QUESTIONS

Question No. 23

VIOLATION OF WORK PERMIT RULES

Mr. Karungaru asked the Vice-President and Minister for Home Affairs if he would tell the House—

- (a) what the total number of the non-citizen employers and employees was who had been already prosecuted and convicted or fined on the offence of employing and working without valid workers' permits as required by the workers' permit regulations;
- (b) if the Government was satisfied with the maximum punishment imposed on these people.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Matano): Mr. Speaker, Sir, I beg to reply. (a) A total of 43 employees and 25 employers have already been convicted for being employed or for employing persons not holding entry (work) permits. Fines totalling Sh. 17,500 were imposed on employees and Sh. 24,500 on employers.

(b) The Government is satisfied that the maximum penalty which can be imposed under the law is sufficient and the courts are at liberty to exercise their discretion.

Mr. Karungaru: Mr. Speaker, may I ask the Assistant Minister to tell this House why Sh. 17,500 only have been collected from those concerned with employees and Sh. 24,500 from employers, and is he not aware that more than these 43 people who were employees and 25 who were employers have been involved in this kind of exercise? Is he not aware that it is high time his Ministry imposed stiffer penalties than the present ones?

The Speaker (Mr. Slade): If the hon. Member is criticizing the actual punishments awarded in the exercise of judicial discretion, I am afraid he cannot do that, because it can only be done by substantive Motion. If the hon. Member is inquiring whether Government is satisfied that all offenders have been brought to book, that is in order.

Mr. Matano: Thank you, Mr. Speaker. I just wanted to answer the hon. Member that these fines are imposed by the courts and there is

nothing we can do about them. Whether the Government is satisfied that all the offenders have been brought to court, well this, Mr. Speaker, is very hard to tell but, as you know, as soon as we know that anybody is trying to contravene this law, he will be brought to justice and will be tried and punished for it.

Mr. Shikuku: Mr. Speaker, arising from that reply, would the Assistant Minister not agree with me, just as we have done in the past where we have made a stand on sentences for robbery by violence—a Bill was brought here to give more powers—that it is time that he told the Attorney-General to bring a Bill whereby we can increase the powers of the courts whereby they can deal with these people more severely than at the moment?

Mr. Matano: Well, Mr. Speaker, Sir, the hon. Member is entitled to initiate such a move and it is for this House to pass or reject it.

Mr. Karungaru: Mr. Speaker, Sir, arising from that reply, is the Minister not now encouraging this kind of exercise of these people being employed without having valid permits?

Mr. Matano: No, Sir.

Question No. 39

FORCES RECRUITMENT IN NORTH-EASTERN PROVINCE

Mr. Abdillahi asked the Vice-President and Minister for Home Affairs if he would tell the House why there had been no recruitment into the army and police force in the North-Eastern Province for more than five years now.

The Speaker (Mr. Slade): I should explain to hon. Members that the number of the question now, in the new session, is the first number you see there; the other number is the original number in the old session and is given for the purposes of reference only.

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

As the hon. Member is aware, the security situation did not merit any recruitment for either the police force or the army from the North-Eastern Province during the last few years of the emergency in that area. However, in view of the improvement which has been made recently, it can be assumed that law-abiding citizens of any part of Kenya, with the necessary qualifications, will be given equal consideration when the time comes.

For security reasons I am, however, unable to confirm that either the police force or the army will, in future, be recruited from any specific areas.

Mr. Abdilahi: Arising from the Assistant Minister's reply, would he assure the House that now the situation has returned to normal and therefore the law-abiding Somalis in the province will be given their share in the army and the police force?

Mr. Matano: Well, I have already answered, Mr. Speaker. I did say that we are still watching the situation, but as the situation improves any Kenya citizen—whether Somali or anybody else—living in that area will have an equal opportunity.

Mr. Ondiek-Chillo: Mr. Speaker, is the Minister actually right in suggesting that the Government is watching the situation, whereas it has been said that the situation in that particular place has improved? The President has said this and this is being said all the time. Is the Assistant Minister actually contravening what the President said, and is he actually making the House doubtful about the situation in that particular place?

Mr. Matano: Mr. Speaker, Sir, I am not, in any way, doubting the fact that the situation has improved. I think we all know, and we are grateful, that the situation has improved and is continuing to improve. What I am trying to say is that as soon as we are able to recruit from that area, we shall do so.

Mr. Ahmed: Arising out of the reply, Mr. Speaker, how long is the Government waiting? How long does the Government think it will take the situation to improve, how long?

Mr. Matano: Mr. Speaker, as long and until we feel the area is happy and quiet, and then we will be able to recruit from that area.

Mr. Areman: Mr. Speaker, Sir, I think the President has announced and all the Members are aware that the area is now quiet and calm and everything is now running in a normal manner. Will these people of the North-Eastern Province be given the first priority in recruitment for the army, the police and this and that?

Mr. Matano: Mr. Speaker, Sir, we do not give high priority to anybody. They are all Kenyans and they will be recruited as Kenyans and we will not give any priority to anybody.

The Speaker (Mr. Slade): Next question.

Question No. 40

SERVICE CHARGES TO TEA GROWERS

Mr. Nyaberi asked the Minister for Agriculture if the Minister could obtain any reduction in the amount of 17 cts. per lb. which is now deducted out of 40 cts. per lb. supposed to be paid to a tea grower, to meet the running of the tea factory, transport of green tea to the factory and staff supervision.

The Assistant Minister for Agriculture (Mr. J. M. Kariuki): Mr. Speaker, Sir, I beg to reply. The cess levied by the Kenya Tea Development Authority on growers is, strictly speaking, the contribution towards the development of the small-holder tea industry. The authority's operations up to date, and for some years to come, are virtually developmental undertakings in all areas.

The revenue from cess is intended to cover those parts of the development expenditure which is not financed by borrowed capital. In view of this, it will not be possible to reduce the cess because this will mean having to curtail the development programme authority, and the only other way we can reduce the cess is to borrow more money from abroad.

Mr. Nyaberi: Mr. Speaker, Sir, arising from that answer, and since these loans were fixed by men interested in investing money in this country, and they look very high, because what a farmer gets is almost equal to what the investor gets. How many times has the Minister sat down in his office to review this figure, because it is too high for the farmers?

Mr. J. M. Kariuki: Mr. Speaker, Sir, with all due respect to the Member, we understand the problems in this, but, as I have explained to him, if we are to reduce the cess we are going also to reduce the expansion and development of other areas which grow tea. Therefore, we feel that the present cess, if reduced, will make the Government be forced to borrow more money.

Mr. Oduya: Mr. Speaker, Sir, can the Minister give this House any other arrangements the Government is making to make sure that the African small farmer who has just begun producing this crop, tea, is affected? How is he going to benefit? I think that is what the Member wanted.

Mr. J. M. Kariuki: Mr. Speaker, Sir, I would like to say here that, according to what we have seen now, the structure of the tea prices in the world market, I feel that my Ministry will not be in a position to reduce the cess today in view of the fact that there is a lot of money already borrowed by my Ministry—which was passed by this House the other day—and if we do so, we will have to cut down on other areas where people are developing tea, and we would like to expand tea in many areas of our Republic.

Mr. Odinga: Mr. Speaker, Sir, has the Ministry thought of actually giving the running and the owning of these factories to these farmers themselves in order to experience what he is experiencing also?

Mr. J. M. Kariuki: Mr. Speaker, Sir, what we are talking about here is the cess and not the transferring of the factories to other people. In

[Mr. J. M. Kariuki]

actual fact, these factories belong to the owners, and they will be the growers' property in the long run. What I wanted to sound out on this one is that I have learnt in my last meeting in Rome that there are some developed countries which are not actually interested in seeing some of the small, developing countries expanding in tea. This is not the time for us to try and reduce the cess whereas we want to continue expanding before an international agreement is imposed on us.

Mr. Onsando: Mr. Speaker, Sir, arising from the earlier reply that this cess is high because we have to repay the loans, when you work it out mathematically, 17 cts. is about 45 per cent. Would the Assistant Minister tell us how this compares with the interest on these loans.

Mr. J. M. Kariuki: Mr. Speaker, Sir, when we borrow money as a Government in order to lend to the farmers, we expect that in order for the Government to be able to repay the loans we have to ask for a little bit—maybe one or two per cent on top of that—in order for the Government to repay the money which it borrowed.

Therefore, Mr. Speaker, I would like to inform the hon. Member that the financial arrangements for tea factories are, in fact, quite separate—may I repeat, quite separate—and the running expenses thereof are met by internal revenues from the factories themselves.

Mr. Kebaso: Mr. Speaker, Sir, is the Assistant Minister aware that the developed nations—particularly in Europe—are laughing at Kenya because we pay more money back in interest than the money we borrowed from them?

Mr. J. M. Kariuki: Will the hon. Member repeat the question, Mr. Speaker?

Mr. Kebaso: I said that the British Government, in particular, which gives us loans for tea growing through the British Commonwealth Development Corporation, laughs at the Kenya people—the small farmers—because they pay more money back than the money the Kenya Government borrowed from them.

Mr. J. M. Kariuki: Mr. Speaker, Sir, what I would like to say is that it is not all that true. What we know is that there are some cries here and there in some developed nations that the small producing countries are producing more tea and that there is a surplus in the world market. As such, they are not interested in financing the small tea producing countries because that is a threat to some other tea-growing nations of the world. That is why I am saying that, at the moment, we cannot afford to curtail our expansion; we have to expand quickly before any international agreement is reached.

The Speaker (Mr. Slade): Next question.

Mr. Shikuku: On a point of order, Mr. Speaker, in this question we are talking about 17 cts. We know, in Kenya, one cent is not legal tender, therefore, is it in order? Should it be 15 cts.? The two cents are not legal tender.

The Speaker (Mr. Slade): I do not think that makes a point of order. It might be a point for debate another day.

Next question.

Question No. 24

REINSTATING NYERI STRIKING NURSES

Mr. Karungaru asked the Minister for Health if he would tell the House how many of the trainee nurses at Nyeri Provincial Hospital who went on strike last year had been reinstated and on what grounds were the rest rejected.

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

Fifty-four of the trainee nurses at Nyeri Provincial Hospital have already been reinstated into various training hospitals throughout the country.

The balance of eight are being posted within next few days. None have been rejected.

Mr. Karungaru: Arising from that reply, Mr. Speaker, would the Minister tell this House what was the actual cause of the strike in question? What specific reason does he have actually to back the Government for suspending the students in question?

The Speaker (Mr. Slade): That is not in the Question. The question here is how many were reinstated, how many rejected, and the answer is none were rejected.

Next Question.

Mr. Karungaru: On a point of order, Mr. Speaker. What does a Member do when you order that that is not in order and he feels that he is in order because the students were suspended—

The Speaker (Mr. Slade): Order! Order! If the Speaker says that a Member is out of order he has to accept it.

Next Question.

Question No. 56

RESULT OF POST-MORTEM ON MR. KAGWA

Mr. Wanjagi asked the Minister for Health if he would tell the House—

- (a) what the finding of the post-mortem carried out on a Mr. Kagwa of Kanorero Village, Iyigo Location, Kangema, who was found dead on 6th June 1968, had been;

[Mr. Wanjagi]

(b) if the widow or relatives had been informed of these findings; and

(c) if anybody had been prosecuted or if there were any investigations being carried out.

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

Reports from the Provincial Medical Officer, Central Province, say that the body of a Mr. Kagwa of Kanorero Village, Iyigo Location, Kangema Division, Fort Hall, was never taken to Murang'a Hospital, but a post-mortem examination was done in Nairobi by the Police Pathologist.

The relatives were not informed of the findings by the Medical Officer of Health, Murang'a because Murang'a Police had informed him that the matter was still under investigation.

Mr. Wanjagi: Mr. Speaker, Sir, my question was what were the findings of the post-mortem, irrespective of where it was carried out. Does the Minister intend to tell the House that if the post-mortem was carried out by the Police Pathologist the House has no right to know the results?

Mr. Otiende: Mr. Speaker, I do not know whether, in view of the fact that the hon. Member had asked for the findings and so on, and since the matter has not been completed, I did not go further to explain. However, I can venture the information that it was found by the Pathologist that this man had died of a head injury, possibly from a blunt weapon. This is all I can say.

Mr. Wanjagi: Mr. Speaker, Sir, since this matter has been going on for nearly a year, how soon does the Minister, or the Government, expect to inform the relatives of the dead man what the results were of the injuries, or when do they expect to find a reasonable result?

Mr. Otiende: Mr. Speaker, I am not aware that this matter has taken as long as one year. My records show that this matter happened—nearly—in July last year, and the matter was taken up within three weeks.

The question of whether somebody should be brought to justice remains for the police and the medical part is finished.

Mr. Ngala-Abok: Mr. Speaker, Sir, since it is important that this country must have a highly qualified Police Pathologist to take up these cases, is it not true that it is because our present Police Pathologist has not got the right qualifications he cannot command the confidence of this country?

Mr. Otiende: Mr. Speaker, I cannot speak for the police, but the only Police Pathologist who is available in Kenya is well qualified and he is the only man who does all the pathology cases. If he is in difficulty he can refer to our own Pathologist.

The Speaker (Mr. Slade): Next question.

Mr. Lubembe: On a point of order, Mr. Speaker. I would like your assistance, Mr. Speaker, on this question of the Nyeri nurses. You have ruled that the Minister has answered that none were rejected, but in his answer he said that some were posted to various hospitals. Now, my question is, is there any possibility, under Standing Order No. 1, where one can ask you, instead of moving a Motion on the Adjournment, to ask a Minister to explain why these others were posted to various hospitals and not Nyeri Hospital? Is there any possibility?

The Speaker (Mr. Slade): Next question.

Question No. 15

SITTING ALLOWANCES—COUNTY COUNCILLORS

Mr. Khaoya asked the Minister for Local Government if he would tell the House whether in view of the fact that civil servants had been banned from participating in county council elections, the Minister would consider raising the sitting allowances of councillors.

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

I regret the question is not fully understood as I do not see the relevance between banning civil servants from participating in county council elections and raising the sitting allowances of councillors.

Mr. Khaoya: Mr. Speaker, Sir, does not the Assistant Minister understand that whereas, previously, civil servants were allowed to be councillors; if you take the case of a school teacher being a county councillor, he received allowances from the county council in addition to his salary as a school master. Now there is this ban on civil servants; this means many of the councillors will now have to depend solely on their sitting allowances and thereby this justifies a case for reviewing the allowances.

An hon. Member: That is true, you are right.

Mr. Munoko: Mr. Speaker, it must be pointed out that sitting allowances are a consolidated allowance to compensate for the expenses incurred by councillors in attending council meetings as well as to include an element for loss of earnings and so it is not meant to be a salary. However,

[Mr. Munoko]

my Ministry is conducting a comprehensive review of members' allowances and local authorities are being consulted on this. It will be premature for me to say whether this will mean an increase or a decrease.

Mr. Mwithaga: Mr. Speaker, Sir, since the Assistant Minister understands—

An hon. Member: Declare your interest.

Mr. Mwithaga: Mr. Speaker, Sir, I have no interest to declare; I am not a councillor, neither a civil servant. Mr. Speaker, Sir, since the Assistant Minister understands the question which implies that because civil servants are no longer participating in the county council elections, that sitting allowances for councillors have been dropped, do we understand, therefore, that he agrees that those civil servants influenced the dropping of sitting allowances?

Mr. Munoko: No, Sir. Any county councillor who is elected to any council to serve the public is supposed to be an honourable man who has other ways of earning his living, and so this is not meant to be a salary for such a person but merely an allowance for his out of pocket expenses.

Mr. Kibuga: Arising from one of the replies of the Assistant Minister that he is carrying out an investigation to find out whether it will be necessary to reduce or increase the allowances, could he tell us how long it will take to complete the investigation?

Mr. Munoko: Mr. Speaker, Sir, this has been going on and, in fact, the Minister is now considering the suggestions put forward.

Question No. 16

UNSTABLE FINANCES OF COUNTY COUNCILS

Mr. Khaoya asked the Minister for Local Government if he would tell the House why most county councils in the country were financially unstable and what the Ministry was contemplating in order to reverse this trend.

The Assistant Minister for Local Government (Mr. Munoko): Mr. Speaker, Sir, I beg to reply. There are many reasons why most of our county councils are financially unstable today. I propose listing for you some of the major reasons from which you will see that county councils are not solely to blame as some of the reasons are due to the Central Government decisions.

(a) From 1st July 1967, local authorities have been compelled to meet substantial additional costs resulting from teachers' salaries awards

approved by the Government. During 1969 £1½ million have been made available by the Treasury to meet this commitment, but delay in making available this money had caused considerable financial embarrassment to local authorities.

(b) Education expenditure comprises over 70 per cent of county councils' budgets, thus leaving very little percentage for all other services.

(c) As a result of Government support given to union representation, local authorities have been prevented from reducing teaching staff to correct budget deficiencies. Loans have been given to county councils already in financial difficulties to pay for these unwarranted staff.

(d) There have been no additional grants to local authorities to compensate them for the decision mentioned in (c) above, despite submission of supplementary estimates in April and September 1968.

(e) The Government's decision to increase teachers' salaries and general civil service salaries during the period under review, have made it impossible to withhold comparable salary and wage increases in the Local Government Service.

(f) The decision that most local authorities' medical services shall be provided free has had the twofold effect of reducing revenue and, at the same time, of substantially increasing the demand for services.

(g) The establishment of settlement schemes has required the provision of new schools and health centres in those areas. The Settlement Fund Trustees have applied for funds to pay rates due to local authorities on land in those areas but have been refused by the Treasury and the rates remain outstanding although the services have been provided.

(h) The development of agriculture and, in particular, tea and coffee has resulted in additional responsibilities for road maintenance facilities on local authorities.

(i) Local authorities are requested to maintain secondary roads, but the grants have not been re-assessed for the past 10 years. Recent calculations by the Ministry of Works show that the present level of maintenance grants is only about 50 per cent of the actual costs of maintenance.

(j) The inevitable growth of community development services has imposed additional financial burdens on local authorities not envisaged when their fiscal structure was established.

Mr. Mwithaga: On a point of order, Mr. Speaker, would I not be in order to request the Assistant Minister be told that the answer is too long to justify an oral reply in this House?

The Speaker (Mr. Slade): Order! Order! A point of order. Mr. Mwithaga has a good point to this extent, that it happens occasionally that, if a Minister finds that he has a long reply to a question for oral reply, it is better for him to convert it into a written reply; because of the difficulty of the House digesting it, and the number of supplementary questions to which it may give rise.

I am quite sure that the House welcomes the Minister taking the trouble to answer an important question of this kind so fully. But I agree it would have been better to have given a written reply in this case. This is in the discretion of the Minister, and now he is giving an oral reply we should hear him to the end.

Mr. Munoko: Mr. Speaker, Sir, (k) despite the heavy additional costs imposed on local authorities as set out in the preceding paragraph which I have already read and the accentuation of these burdens by the general fall in the value of money, the capacity of local authorities has been reduced substantially in rural areas by the lowering of the lowest rate of graduated personal tax.

(l) Inadequate supervision of local authorities by the Ministry due to staffing shortage, and particularly at the senior financial officer level.

Mr. Speaker, Sir, as to the second part, as to what the Ministry is doing; I would like to say this:—

(a) I have been strenuously negotiating for supplementary estimates for £3 million to cover the additional grants for the period ending June 1969. Of this sum, the Treasury has made available only £1½ million. The remaining £1.5 million relates to balancing grants to county councils for 1968 and 1969.

(b) I am also making very strong representations for increases in general grants available under the grants formula as the grants provided have proved to be hopelessly inadequate if defined by Government policy, particularly with regard to education, if that is to be achieved. Representations are also being made for increases in the level of grants for the maintenance of secondary roads.

(c) The Ministry has recruited eight graduates and two more assistant secretaries so as to overcome the staffing shortage. Secondly, 38 trainees are being trained on financial matters and should come out any time now.

Mr. Khaoya: Mr. Speaker, Sir, I have two questions:—

(a) When the Government imposed additional responsibilities to the county councils, why

did it not give a matching grant to the local authorities to cover the additional expenses?

Mr. Munoko: Mr. Speaker, I cannot answer that, because it is a matter for the Treasury to answer.

Mr. Khaoya: Mr. Speaker, Sir, do I understand that we have two separate Government Ministries here? One is Ministry of Finance, and another one is the Ministry of Local Government; and not just one consolidated Government responsible to the nation?

Mr. Munoko: Mr. Speaker, the Government is run by His Excellency the President, who appoints different Ministries and different Ministers to look after the different Ministries.

Mr. Lenayiara: Mr. Speaker, Sir, arising from that answer, does the Assistant Minister then not agree that one of the reasons why county councils are in financial difficulties is because the Ministry of Local Government or the Government fails to pay the Government annual grants which is part of the country's estimates in time?

Mr. Munoko: Mr. Speaker, I have already said that.

Mr. Ngala-Abok: Mr. Speaker, Sir, will the Assistant Minister assure the House that as the President announced yesterday that our future policy will be orientated towards developing the rural areas, the first one of these developments will be the finances granted to county councils, by whatever means, and therefore, the Ministry of Local Government will have to make sure that the county councils have sufficient finances?

Mr. Munoko: Mr. Speaker, that is a matter which will be debated fully during the Budget debate.

Question No. 36

CAR PARKS FOR NAIROBI AFRICAN ESTATES

Mr. Mbogoh asked the Minister for Local Government if he would tell the House, why the City Council of Nairobi followed the colonial policy of building estates expected to be occupied by Africans without providing individual car parks, as a result of which cars were left very far from the house and thieves were thus encouraged to remove the wheels unnoticed.

The Minister for Local Government (Mr. Sagini): Mr. Speaker, Sir, I beg to reply. The City Council does not follow an "old colonial policy" when building housing estates. The estates which the council builds are not built to be occupied by any racial groups but are built

[The Minister for Local Government]

to accommodate the residents of Nairobi. The Nairobi housing estates contain a mixture of both Africans, and other races residing there.

The council builds houses to cater for various income brackets. Rental values of the houses are dependent on the cost of construction. In the case of low-cost housing that is for low income groups, it is uneconomic to provide garages with such houses. The position at present is as follows:—

| <i>Scheme</i> | <i>Remarks</i> |
|-----------------------|------------------|
| Woodley/Kibera | Garages provided |
| Pumwani Redevelopment | No garages |
| Uhuru Estate | No garages |
| Pumwani Relief Scheme | No garages. |

It is not economically possible to provide garages for houses less than £2,500 in value, unless a disproportionate increase in rents is provided for.

The problem of garages mainly arises because people in the higher income brackets are forced to stay in low-cost houses. This situation can be resolved by providing more houses in the correct income groups and the City Council is trying to do its best within its limited finances.

However, the council, in an endeavour to overcome this problem, has provided funds in its Capital Programme for fences of street car parks in the low-cost housing schemes to provide security for cars in these estates. The council's Capital Programme is at present being examined by the Ministry.

Mr. Mbogoh: Mr. Speaker, arising from that reply, is the Minister denying that the council's policy of building the low-quality houses for Africans is not colonial? How many Europeans or Asians has he seen living in Pumwani, or Uhuru Estate, where they may require a car park? Mr. Speaker—

The Speaker (Mr. Slade): That is not relevant to the question.

Mr. Mbogoh: Mr. Speaker, I wanted to correct something before I ask that question.

The Speaker (Mr. Slade): But it is not really to the point. Ask your question.

Mr. Mbogoh: The Minister kept on talking about garages which I have not asked about in this question. I have asked for parking outside the houses; and in that case I do not think all that the Minister answered in that part was relevant to the question at all.

The Speaker (Mr. Slade): I do not think so myself.

Mr. Shikuku: Arising from the previous reply that the City Council is not pursuing a colonial policy, is he aware that, this side of the city was kept for the Europeans and that side of the city was kept for the Africans—if he has ever toured the city at all. This policy is still being pursued. You do not get any Europeans, or the big men like himself on that side. Is that not colonial?

Mr. Sagini: Mr. Speaker, Sir, I do not know to what extent. I know that in the past, during the colonial era, there were areas for Africans and Asians and so on, but we are in charge of this country, so do not worry about that now.

The Speaker (Mr. Slade): As I said to Mr. Mbogoh, this question of segregation is not relevant to the question we are dealing with now. This question of colonial policy is with a reference to a policy as regards the building estates to be occupied by Africans. And that is all. No question as to who occupies anything else anywhere else.

We must keep relevant to the questions.

Question No. 41

BUILDING LOANS' GUARANTEE—GUSII

Mr. Nyaberi asked the Minister for Local Government if he would tell the House why the Gusii County Council had failed to negotiate and stand as guarantors against loans for building houses from the Ministry of Housing on behalf of the people of Gusii.

The Minister for Local Government (Mr. Sagini): Mr. Speaker, Sir, I beg to reply. In May 1968, Gusii County forwarded an application for loan sanctions for £250,000, to be raised from the National Housing Corporation for the purpose of re-lending to individuals for housing purposes.

As the application provided insufficient information to enable the Ministry of Local Government to give it proper consideration, it was, therefore, referred back to the council for processing through the Provincial Local Government Financial Officer. The council has, however, taken no further administrative action to date.

The Minister has now been informed verbally that the council will be renewing the application in the near future.

Mr. Nyaberi: Mr. Speaker, Sir, with the due respect of this application form to the Ministry of Housing through the Ministry of Local Government, which was taken here, last May and we are now in May, would the Minister tell the House, Mr. Speaker, Sir, whether such an application form is prescribed, and what is this information which the application lacked?

Mr. Sagini: Mr. Speaker, Sir, the hon. Member is worried about the housing because he wants the Gusii County Council to have houses, and I agree with him. But before we give any loan, the proposals must be brought to us; we must know what type of houses they want, and how they will do it.

The problem is not in my Ministry now. It is the grounds. Well, we were so good, my officers, one Kisii, I think it was today or yesterday, brought us proper details in connexion with the planning they want to start in Kisii. As soon as they are here, everybody will be interested to help them.

Mr. Nyaberi: Mr. Speaker, Sir, arising from that reply, is it the policy of the Ministry to refer back the applications and keep quiet, without reminding the county council what is required on such application form?

Mr. Sagini: Mr. Speaker, Sir, when a proposition, or when a proposal of a certain plan or maybe, say, building a hall is examined, and a fault is found in it, we return it to the particular local authority. In this case, I do not have the details now for the moment, to be able to speak in detail. I think there are faults, maybe they might have suggested two big houses in Kisii; for example if you want to build in Kisii, you must know who are working there? Are there people earning for example Sh. 2,000 per month, or Sh. 4,000 or Sh. 90?

All these factors matter. In fact if the hon. Member will help; I come from that area myself.

Question No. 1

MAINTENANCE OF KAKAMEGA TEA ROADS

Mr. Godia asked the Minister for Works if he would tell the House whether he would advise the Tea Authority to maintain all tea roads in Kakamega until Government took them over in agreement with the recent resolution of this House.

The Assistant Minister for Works (Mr. Bomett): Mr. Speaker, Sir, the problem of the maintenance of secondary roads by county councils is now being studied by a firm of consultants who have been commissioned by the Government. The study includes specific projects as tea roads and it would be wise to wait for the consultants' report.

Mr. Speaker, Sir, I would like to point out that meanwhile there is an agreed arrangement by which tea roads are maintained both by county councils and the Kenya Tea Development Authority.

Mr. Godia: Mr. Speaker, Sir, arising from that answer by the Assistant Minister, will he assure this House that he is going to make representation to the consultants to see that the roads in tea areas, particularly in Kakamega, are well maintained.

Mr. Bomett: Mr. Speaker, indeed, it is the wish of the Government that these roads are well maintained and that is why we have asked these consulting firms to go into the problem and, as soon as the reports have been received by the Government, they will be considered. It is our intention that these roads must be properly maintained for the good of the nation.

Question No. 2

TARMACKING BRODERICK FALLS-KAKAMEGA ROAD

Mr. Godia asked the Minister for Works if he would tell the House how soon he expected to tarmac the Broderick Falls-Kakamega Road.

The Assistant Minister for Works (Mr. Bomett): Mr. Speaker, Sir, I beg to reply. If the hon. Member for Hamisi had been on this road recently, he would have noticed that reconstruction work has already started, and this road together with the Kapsabet-Eldoret Road are now under construction to bitumen standard by the same contractors.

Mr. Godia: Mr. Speaker, Sir, will the Assistant Minister tell the House by what date he hopes that the work of tarmacking these roads will have been completed?

Mr. Bomett: Mr. Speaker, Sir, I anticipated that question and the answer, Sir, is that the Kapsabet and Broderick Falls roads would be completed in April 1970; and I also ask the hon. Member to travel quite extensively and note the work.

Question No. 29

ENTRANTS TO WAJIR SECONDARY SCHOOL

Mr. Ahmed asked the Minister for Education if he would tell the House—

(a) how many boys of North-Eastern Province had been admitted into Wajir Secondary School this year and how many had been given a chance to enter other secondary schools outside the province;

(b) how many boys from other provinces had been admitted into Wajir Secondary School.

The Assistant Minister for Education (Mr. Khasakhala): Mr. Speaker, Sir, I beg to reply. (a) Thirty-eight boys of North-Eastern Province were admitted to Wajir Secondary School in

[Mr. Khasakhala]

January 1969. Four boys of the same province were admitted to schools outside the North-Eastern Province.

(b) Only one boy from outside North-Eastern Province was admitted to Wajir Secondary School.

Mr. Ahmed: Arising out of the reply Mr. Speaker, why is the Ministry not taking special care about education in North-Eastern Province and admitting more boys from the province to other provinces instead of four? Is the Ministry not aware that North-Eastern Province was left behind during the colonial régime?

Mr. Khasakhala: Mr. Speaker, Sir, the hon. Member perhaps has got all the information concerning the total number of Standard VII leavers in his own province. We had 224 boys who sat for the Certificate of Primary Education examination and out of 224 if we admitted 42 to secondary schools that represents 18.7 per cent of the total candidates, while the percentage throughout the other areas of Kenya was only 12.5 per cent; he must see that, we considered them very carefully, Mr. Speaker.

Mr. Ogle: Mr. Speaker, Sir, will the Assistant Minister investigate that in the North-Eastern Province there is only one student admitted into the Wajir Secondary School from other parts because this is not a true statement. I know there are a number of them, will he investigate and say what the number really is?

Mr. Khasakhala: Mr. Speaker, Sir, as far as I know, and as far as my Ministry is concerned, the reply I have given to the hon. Member and the House is correct, and if the hon. Member wants me to give him a breakdown of the 38 per district from the same province, I am prepared to do so, Mr. Speaker; but we have not admitted more than one boy from outside that area.

*Question No. 46*EXCHANGE CONTROL RULES AND
RELIGIOUS ORGANIZATIONS

Mr. Munyi asked the Attorney-General if he would tell the House: Arising from the strong warning given by the Attorney-General against some religious leaders who had contravened the provisions of the Exchange Control Act, what further action was the Government going to take against such people.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to give the following reply. When I gave this warning last year, my warning was directed against a certain section of the Bohra

Community. Some members of this community have been prosecuted; others have been sent away and I am now satisfied that no religious organization is contravening the Act, but of course, the law remains and if any religious organization does contravene Exchange Control Regulations, these people will be dealt with severely.

Mr. Munyi: Mr. Speaker, Sir, arising from that answer, which has been given by the Attorney-General, will the Attorney-General tell this House as to whether the Head of the Bohra Community was expelled from this country or declared a prohibited immigrant in this country because he contravened this particular Act? And since, Mr. Speaker, the Head of the Bohra Community is one of the spiritual leaders is the Attorney-General aware that there might be other underground spiritual leaders who might even try to contravene the same Act, and that they are doing the same thing, Mr. Speaker?

Mr. Njonjo: Mr. Speaker, there are no spiritual leaders in this country who are misusing the Exchange Control Regulations. The gentleman in question was declared a prohibited immigrant in Dar es Salaam, but all that happened is that he passed through Nairobi; he did not wish to stop in Nairobi but went back from whence he came. I am satisfied, Mr. Speaker, that other religious organizations—if one wants to be specific—for instance, the Aga Khan Community, all the money collected in that community is spent in this country. Mr. Speaker, Sir, the question might be asked because some of the hon. Members here may be Catholics; others may be of the Presbyterian Church, where money is collected on Sundays, but then that money is used for the benefit of the church and the work that it is doing and is a commendable thing and we should all be thankful for the work the church and other religious organizations are doing in this country.

Question No. 35

TRADE IN IMPORTED WIGS

Mr. Munyi asked the Minister for Co-operatives and Social Services if he would tell the House—

- (a) if it was not true that most of the head wigs which were on sale were from the heads of dead people, wild animals and from different types of lints;
- (b) what the Ministry was doing to stop the sale of these imported wigs which did not suit Kenya's traditions and customs.

The Minister for Co-operatives and Social Services (Mr. Ngala): Mr. Speaker, Sir, I beg to reply. Generally, wigs are made of human hair

[The Minister for Co-operatives and Social Services]

and synthetic materials such as nylon. It is difficult to ascertain whether the human hair is from the heads of living or dead people.

However, monkey hair is unsuitable for making wigs. I expect leaders such as the hon. Members and all the citizens of this country to help in educating our women as well all people who are concerned, in mobilizing public opinion, to discourage the use of wigs. I have no intention of banning the sale of imported wigs.

Mr. Munyi: Mr. Speaker, Sir, arising from that answer which has been given by the Minister, is he going to tell this House how we are going to discourage our beautiful girls from buying all these foreign, imported wigs? How are we going to discourage them, Mr. Speaker, because when you go to the shops you find that they are encouraged and the commercial shops encourage—

The Speaker (Mr. Slade): Order! Order! You cannot make a speech, Mr. Munyi. You have asked him how he is going to discourage it.

Mr. Ngala: Mr. Speaker, Sir, the traditional African hair is beautiful. The only way to discourage wigs is just not to appreciate them. This should start with the hon. Members.

Mr. Kamau: Mr. Speaker, Sir, in that case, could the Minister for Social Services allow us to work with him as his youth-wingers and discourage the women from putting on coloured wigs, in any way we think best?

Mr. Ngala: Mr. Speaker, Sir, everything in this country must be done to allow women to exercise the freedom allowed by the Constitution and its provisions. If the hon. Members can be allowed to keep their beards, then the women should—

Mr. Shikuku: On a point of order, Mr. Speaker, here we are referring to wigs. Is it in order for the Minister to refer to beards which are natural, like Mr. Kamau's beard which is natural?

The Speaker (Mr. Slade): I see the question refers to head wigs and the chin is part of one's head.

Mr. Ngala: Mr. Speaker, I was referring to the constitutional freedom which should be enjoyed by the women just as much as it is enjoyed by the men in the House here where they wear beaded hats, monkey skins and such things. This privilege must be allowed to the women as well, the women in this country. They must be free.

Mr. Ondiek-Chillo: Mr. Speaker, Sir, arising from the Minister's answer that the idea of wear-

ing wigs should be discouraged, who is actually going to take the lead in discouraging this through the Press and also in meeting the organization of the women known as *Maendeleo ya Wanawake*, to seek their opinion as to whether they actually enjoy wearing these head wigs or not?

Mr. Ngala: Mr. Speaker, I think I would like to say that when we come to wigs, I have already stated that we should discourage the use of wigs and make the women learn to appreciate the use of their natural hair. We should make them not take public opinion but realize that their natural hair has a beauty which is traditional and natural. They should use their natural hair as much as possible.

However, in cases where people would like to exploit and use the provisions of the Constitution, then in such cases people should not be discriminated against, just because they are women when we have men here who are allowed to have a free choice according to the provisions of the Constitution.

Therefore, Mr. Speaker, if the hon. Member would like to talk to the women, the opportunities are open to him.

Question No. 3

TARMACKING ROADS IN TRANS NZOIA

Mr. Godia asked the Minister for Works if he would tell the House if the Minister would consider tarmacking the Turbo-Hoey's Bridge, Elgon Club-Eldoret, Shamakhokho-Hamisi-Maseno roads.

The Assistant Minister for Works (Mr. Bomett): Mr. Speaker, Sir, I beg to reply. (a) Turbo-Hoey's Bridge Road is within the settlement scheme and is one of the roads suggested in the settlement roads report for eventual upgrading to a higher gravel standard. Settlement roads priorities and phasing for reconstruction is still under review.

(b) Mr. Speaker, Elgon Club (Kimini)-Eldoret Road. It is presumed that the road referred to by the hon. Member as Elgon Club-Eldoret is the same road as Kimini-Eldoret Road which appears in the proposed upgrading to a higher gravel standard of the settlement roads.

(c) Shamakhokho-Hamisi-Maseno Road. There is no proposal to reconstruct the road from Shamakhokho to Majengo via Hamisi as it does not appear in the list of road priorities from Western Province. The balance of this road from Majengo to Maseno has been included in the preliminary proposed improvement of the trunk and secondary roads 1972/76 period.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, these are all, in fact, procedural Motions. I will finish this one now and then come on to Order No. 9. This will help me to clear them all.

In short, Sir, I think Members should not complain because, considering the size of the House, each Member should make use of the ten minutes he is given so that he can speak on important matters in brief. Thus as many Members as possible will get an opportunity to speak.

Mr. Komora: On a point of order, Mr. Speaker, I seem not to understand. With due respect to His Excellency the Vice-President in wishing to continue to outline Order No. 10, is he in order to do that without the leave of the House?

The Speaker (Mr. Slade): Yes. I said that since he had by mistake started on Order No. 10 instead of Order No. 9, we should regard the order of business as changed accordingly, which the Speaker has power to do for the convenience of the House.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, thank you.

So, Mr. Speaker, without wasting time I will leave the House to endorse this point of view so as to enable Members, when Private Members' Motions are moved, to be able to express what their feelings are within ten minutes' time.

Sir, I do not have much to say because this is a procedural Motion.

Mr. Speaker, Sir, I beg to move.

The Minister for Information and Broadcasting (Mr. Osogo) seconded.

(Question proposed)

Mr. Ngala-Abok: Mr. Speaker, Sir, I wish to support this and I also wish to warn the Members that my experience during the last session shows that many Members did not make use of their time in this House to debate the matters proposed to this House. Consequently, the House appeared dull and, naturally, the public realized that the Members are getting more and more reluctant to actively debate in this House.

I would like to support this Motion because I feel that the number of days proposed is reasonable. I also feel that Members must make use of these days, because many Members seem concerned that probably Government does not want—

The Speaker (Mr. Slade): Mr. Ngala-Abok, I think you are on the wrong Motion, because

this does not refer to days. This refers only to limitation of debate to one-and-a-half hours.

Mr. Ngala-Abok: Order No. 10. Thank you very much, Sir. Mr. Speaker, I was moving in the same direction.

It is reasonable that these minutes should be given to Members, Movers and Official Responders. Equally, I would like to emphasize what I started to say. Let Members prepare themselves, sit in this House, debate effectively and keep Government on its toes. It is no use us being told that this House is where we must have a chance to criticize critically, and a chance to criticize sensibly if necessary when, in fact, many of us do not want to do so. In fact, Sir, we should use our time of ten minutes as ordinary Members to make sure that Government is kept on its toes and that the Government answers questions in this House to the satisfaction of the House. Many Members would like us to believe that this House is tired and that people are tired with the Members here. It is obvious that the Members themselves are showing this tiredness. So long as Members are asking for things and the public sees that they are actively debating according to the minutes allowed them, I am sure that the public would realize that the present Members are doing something for them. I do not think the Members should take much more time but should use the time allowed to them by this House and make proper use of them.

With those few remarks, Mr. Speaker, I wish to support the Motion.

Mr. Mwamzandi: Mr. Speaker, Sir, while I support this Motion there is one observation I would like to make. The 20 minutes, Sir, are quite enough except that there are some cases where these 20 minutes are extremely few. That is the time when we have unnecessary points of order and unnecessary interjections. If these 20 minutes were excluded from unnecessary points of order and unnecessary interjections, then an hon. Member could put his case before the House properly. However, we do see sometimes that some Members are not interested in the matters being spoken by other Members, in moving, and as a result there are unnecessary points of order and unnecessary interjections.

I would like this to be known by everyone so that all these unnecessary points of order and interjections are not included within the 20 minutes.

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

Mr. Godia: Mr. Speaker, Sir, arising out of the Assistant Minister's reply, will the Minister, therefore, consider giving priority to the roads in the settlement schemes because settlers in settlement schemes also would like to make use of tarmac roads?

Secondly, the road from Shamakhokho-Hamisi-Maseno, can this be considered by the Minister so that he takes the views of the people, that they would like this road tarmacked so that they can make use of it?

Mr. Bomett: In regard to (b), Mr. Speaker, settlement roads, as I have said previously in this House, are under consideration and the Government has approached the World Bank to get money for improvement of all the settlement roads in the country.

As regards Shamakhokho, I say, certainly, I would like to see this road and the others joining it upgraded. However, the decision to do that, or otherwise, rests with the people of the area. If they push this matter to the Government, through the normal channels, as a request, it will be considered along with other roads in other parts of the country.

Mr. Lubembe: On a point of order, Mr. Speaker, I wish to get this point clear. The hon. Attorney-General made a statement here that in this country we have Catholics, Protestants, Ismailis and that these people are spending all their money here in this country. The Catholics have an African bishop like Morris Otunga, and many others. The Protestants have Obadiah Karioki, Thiongo and many others. In this way we are assured that their money is spent here.

Can the Attorney-General substantiate that in the absence of an African leader of the Ismailia people how does he know that the Ismailis are spending their money in Kenya? We do not have an African leader for the Ismailis.

The Speaker (Mr. Slade): That sounds to me a very argumentative point of order, Mr. Lubembe.

All the hon. Member said, as far as I remember, was that he was satisfied that this community was spending their money in this country. If other hon. Members have reason to believe otherwise, I think he invited them to come and bring it to the notice of the House.

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Speaker, I do not wish to be frivolous, but this appears to be the second point of order we have had from the hon. Member apparently trying to catch up with what has gone on already. Is this not really a misuse of raising a point of order? The hon. Member could have asked a supplementary question.

The Speaker (Mr. Slade): The hon. Member is inclined at times to get near abusing a point of order.

A point of order can be raised at any time, but it is better really to do so at the moment that gives rise to it rather than waiting for ten minutes or a quarter of an hour. In fact, this was not a very good point of order.

Hon. Members, we must go on now. In fact, we are late in commencing business.

I would warn those hon. Members who might have other engagements, that that clock is not quite reliable. It is, in fact, about eight minutes slow.

BILLS

First Readings

THE SPECIAL PENSION (ODONGO) BILL

THE PETROLEUM DUTIES (AMENDMENT) BILL

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL

(Orders for First Readings read—Read the First Time—Ordered to be read the Second Time tomorrow)

MOTION

LIMITATION OF DEBATE: PRIVATE MEMBERS' MOTIONS

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, 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 20 minutes for the Mover, 20 minutes for the Government Official Responder and 10 minutes for each other Member speaking, and that 10 minutes before the time for expiry the Mover be called upon to reply.

Mr. Speaker, Sir, this is just a formal Motion to facilitate the debate on Private Members'—

Mr. Mwamzandi: On a point of order, Mr. Speaker, I wonder whether the Vice-President is in order in speaking on Order No. 10 when we have not yet taken Order No. 9?

The Speaker (Mr. Slade): That is quite correct. Mr. arap Moi has actually slipped on to the wrong Order. Now that he has started on Order No. 10 we will change the order of business and accordingly carry on with Order No. 10.

The Speaker (Mr. Slade): I think I should answer what Mr. Mwamzandi has said because it is important. As you will have observed, when a Member is limited in the time of his speech and he is interrupted by unnecessary interjections and invalid points of order, I do, usually, allow him an extension of his time accordingly.

Mr. Odinga: Mr. Speaker, Sir, I would say that I know this applies to Private Members' Motions, but does this also include the group motions from every party?

The Speaker (Mr. Slade): A group motion is a form of Private Member's Motion; it would apply to them too. Do you want to speak, Mr. Odinga?

Mr. Odinga: Yes, Sir.

Mr. Shikuku: On a point of order, Mr. Speaker, as this is a formal Motion every session when we meet, is it not time for us to call upon the Mover to reply?

The Speaker (Mr. Slade): I think I should just allow the Leader of the Opposition to make a few comments and then we shall see what the House says.

Mr. Odinga: Mr. Speaker, in that particular respect, then I have no comments to make and, therefore, I will allow this.

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

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, this is a good beginning. Therefore, Mr. Speaker, I do not have much to say other than to support what the hon. Members have stated earlier on, but would like further to appeal to the Members that they should make use of the time allotted to them and make very useful and constructive contributions.

I beg to move.

(Question put and agreed to)

MOTION

LIMITATION OF DEBATE ON PRESIDENTIAL ADDRESS

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

THAT, the debate on the Presidential Address be limited to a maximum of four days and that the speeches be limited in the following manner:—

- (a) Twenty minutes for the Mover while moving and 20 minutes for the reply; and
- (b) ten minutes for each other Member speaking.

Mr. Speaker, this, of course, is a very important address and I hope that although the time set will definitely enable Members to get out of His Excellency's Address the important points they would like to put forward I do not see any difficulty, Mr. Speaker, in this respect because this is a policy and if the Members would like to point out matters of importance, they should also touch on those matters in principle rather than go into them in a detailed manner.

Mr. Speaker, I take this bearing in mind the fact that the Budget is coming soon and, therefore, Members will be able to debate those matters in detail which, naturally, affect them as far as their constituencies are concerned.

Therefore, Mr. Speaker, I hope that the four days will be sufficient for us to speak on the main policy and we will wait for the Budget debate which will follow this one. I feel that 20 minutes for the Mover and ten minutes for the Members generally will be sufficient to enable them to say what they want to say in that period. I do feel that that time is quite enough so that they will not exhaust themselves in actual fact.

Mr. Speaker, without labouring too much on this, I beg to move.

The Assistant Minister for Commerce and Industry (Mr. ole Oloitipiti) seconded.

(Question proposed)

Mr. Odinga: Mr. Speaker, Sir, here is where I have got my doubts because, having been here for some time, I remember that at one time the debate on such a policy statement was never limited. One had to stand and actually speak as much as one thought one should actually express oneself. Later on, it was limited to 30 minutes and 30 minutes we stayed with for quite a long time. Now, lately it has been reduced to 20 minutes for the Mover and 20 minutes for the reply, and only ten minutes for the Members. This ten minutes is unfair when now we have two sides of the House; where we have also the Opposition which would like to express its views. Certainly, when the President, who is the Head of State, expresses himself, he really needs to hear also the points of view from the other side. On ten minutes alone you cannot really express yourself fully on the very important questions which you want to talk about.

Therefore, I think it would have been fairer to allocate to the major speakers from the Government Benches—which should be not more than five—and also have major speakers from the Opposition Benches, who may also not be more than five, let them express themselves in

[Mr. Odinga]

30 minutes. If there is still some time remaining, we should also let the others express themselves in ten minutes in order to make up to the time. I think that we should be able to give each side time really to be effective; to put across what they feel they should put across.

This is also belittling—we are also trying to water down—the policy statement by actually treating it very lightly. We are treating it lightly by immediately the President has spoken we are only giving everybody ten minutes to touch here and there. We are treating this policy statement very lightly; we are not actually giving it the due importance which it needs to get in this House.

As such, Mr. Speaker, Sir, I would beseech the House to agree with me that the time that there should be allocated should be 30 minutes for a number of speakers. I have not been very strict to say how many there should be of these, but I have suggested that there should be five from the Government Benches and five from the Opposition Benches and then later on, if there is any time left, other people should also be allowed to speak. We should not take it that on a major policy statement, each and every one of us should go on speaking as sometimes we just repeat ourselves. In our group meetings we can actually make out the points which we want to be mentioned. Therefore, in those group meetings, if we have mentioned the points, our group speakers—even if there are only five—will be enough to represent our views in this House. I do not think it is good that on each and every subject and each and every Motion everybody should go on speaking. In this way we will be following a procedure which may not keep up the dignity of this House.

As such, Mr. Speaker, I beg to say that I would like, first of all, with this question that I have put, if it is supported by several Members, then I reserve my time even to make an amendment later on this particular thing.

The Assistant Minister for Commerce and Industry (Mr. ole Oloitipiti): Mr. Speaker, Sir, I rise to support the Motion as drafted and as put to the Members of the House by the Leader of Government Business.

Mr. Speaker, Sir, all of us were here yesterday when His Excellency, the President, addressed the National Assembly and the country as a whole and, of course, we took that time to hear what the President was saying. If I could note what the President was saying and if I could note all the Members listening to the President, everyone was interested in what the President was saying.

The speech, Mr. Speaker, also came to our pigeon-holes today and we have taken the time to study it, and I believe that most of the Members, if not all, found that the statement by His Excellency the President was an excellent speech. Therefore, if the speech by His Excellency the President was an excellent speech, a beneficial speech like that one, we should no longer waste the time of the House by allowing each Member to speak for 30 minutes. If we allow each Member to speak for 30 minutes we are doing nothing except to tire the House. If a Member like the Leader of the Opposition is as constructive as he used to be, five minutes is even enough for him to contribute to the House, and if he is given ten minutes, it is double as much.

Mr. Makone: On a point of order, Mr. Speaker. Is the hon. Member speaking in order when he says that the Members who will be speaking for 30 minutes will be wasting time? Is that really in order?

The Speaker (Mr. Slade): I think he is entitled to suggest that there is a danger of their doing so; he certainly cannot know whether they would be doing so, and he would not be allowed to say so even if it was so.

The Assistant Minister for Commerce and Industry (Mr. ole Oloitipiti): Mr. Speaker, Sir, thank you for your ruling. I did not say that the Members would be wasting their time, but I think that 30 minutes is a very long period for a Member to speak in this House on a Presidential Address which we all support.

Mr. Speaker, Sir, on the question that we have two sides of the House, we all know that we have two sides of the House: the Opposition and the Government, which is the ruling party. However, Mr. Speaker, Sir, nobody has ever denied the other side of the House—the Opposition—to speak. If the hon. Leader of the Opposition could speak for the Opposition as a whole I think it is admirable.

Mr. Speaker, Sir, if another two Members, out of ten or nine, were given the chance—and the Speaker usually does give them the chance—then they could also express their views. Therefore, there is no point in the Leader of the Opposition saying that we now have two sides of the House. We have always been having these two sides of the House, and the Speaker of the National Assembly has always been putting his eyes very sharply to the Opposition and he gives them their time just as equally as he does to the Members of the Government.

There is plenty of time, Mr. Speaker, for all the Members of the Opposition to air their views and I think if the Leader of the Opposition could

[Mr. ole Oloitipiti]

only say how many are in favour or against the policy, this is enough. The President, I know, would like to hear what the Opposition has to say, and if the Leader of the Opposition and three other Members could speak, that is enough. We cannot even compare 160 Members of the ruling party with the Members of the Opposition. How many are there?

An hon. Member: Seven.

The Assistant Minister for Commerce and Industry (Mr. ole Oloitipiti): Oh, goodness. This is what I forgot, Mr. Speaker. Therefore, for the Leader of the Opposition, Mr. Speaker, to suggest that five Members from the Government and five Members from the Opposition, there is a big question-mark there.

I think the Speaker has noted this point and I think he has been treating the Opposition well, and I am sure that he will give them a chance to speak.

Mr. Speaker, Sir, a policy statement is a big statement we all realize. However, we are not belittling this. If we could accelerate the real policy statement by taking up the good points, then I think it is good. Therefore, Mr. Speaker, I think before we tire the House the Members should support this because it has been the usual practice in the past and so there should be no difference from the previous time. This is not the first time that His Excellency the President has spoken to the National Assembly.

Therefore, Mr. Speaker, I support the Motion as it is.

Mr. Munyasia: There is no need for the Assistant Minister to lecture us; we have got the message. We are 15 times the number of the Opposition. Therefore, for his case we must have equal numbers and that is material. Mr. Speaker, Sir, when moving to the main topic of the debate, not many Members will have a chance of speaking. Why? If the Vice-President did take the time to work out mathematically how many Members are going to speak on the Presidential Address, he would find that in a day if we are going to have ten-minute speeches for two and a half hours for four days this would mean that only 60 Members would be able to speak out of 171. If we were to work on one and a half hours in a day, then only between 36 and 40 Members would be able to speak. This would be a very small number of the Members of this House.

Therefore, Mr. Speaker, Sir, I would suggest that seven days would be better instead of four so that more Members will be given the time to speak.

Mr. Speaker, Sir, I do not have any argument with the other part of the Motion. Let the Mover of the Motion be given 20 minutes and also 20 minutes for the reply, and each Member be given ten minutes. The number of days must be increased from four to seven.

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

Mr. Seroney: Mr. Speaker, I think we are getting into a dangerous position where not only the Government is telling the Members how they should speak and how long for, but of our accepting that particular ruling without protest. Mr. Speaker, this is our House and we are now being asked to consider our own procedure, and, therefore, we must determine what we want and not what the Government prefers.

Mr. Speaker, Sir, we have virtually remained out in the country for almost half a year now, with the exception of only three weeks at the beginning of the year. Mr. Speaker, there is a lot which the Members would like to say with regard to the Government policy, and not merely endorsing what the President said. I believe, Mr. Speaker, that any Member who wishes to speak should speak without limitation. For convenience, we could agree to limit ourselves to half an hour, but instead of limiting the debate to four days I think Members should speak for 30 minutes for so long as there are Members to speak.

Therefore, Mr. Speaker, I would like to propose that all the words after "Presidential Address" be deleted, and that the words "20 minutes" and "ten minutes" be replaced by "30 minutes" in all cases.

I beg to move.

Mr. Shikuku: On a point of order, Mr. Speaker, he has said that four days is to be deleted but he has not said how many days.

The Speaker (Mr. Slade): The hon. Member's proposal would be that it would be an unlimited period for the debate, in fact, he said himself that as long as there are Members willing to speak for 30 minutes then the debate should go on.

Mr. Omweri: Mr. Speaker, Sir, before I second could you read exactly what the Motion would be, because I do not follow it.

The Speaker (Mr. Slade): Yes, I think it is desirable that the hon. Member should know what he is seconding.

The actual proposal that you are invited to second—not by me but by the hon. Member—is that in the first two lines of the Motion, after the words "President's Address", the words "be

[The Speaker]

limited to a maximum of four days and that the speeches" be deleted, so that you would then have "That, the debate on the Presidential Address be limited in the following manner." Then, in both paragraphs (a) and (b) Mr. Seroney suggests 30 minutes throughout. It would, in fact, be 30 minutes for the Mover and for the reply, and 30 minutes for every other Member speaking, without any limit to the number of days.

Mr. Ngala-Abok: On a point of order, Mr. Speaker, in a matter where it is apparent that the amendment is highly unreasonable and highly objectionable, could a Member propose an amendment immediately because there is nobody seconding?

The Speaker (Mr. Slade): There can be no question of amending an amendment unless the amendment itself has been proposed as a question, which it cannot be unless it is seconded. If this is not seconded then it will be open to any other Member to move a fresh amendment providing he gives it to me in writing before he moves it.

Mr. Mwamzandi, you say you want to second it?

Mr. Mwamzandi: Mr. Speaker, Sir, I would like to second the amendment proposed by the hon. Seroney for the following reasons.

Mr. Speaker, Sir, there are some very, very important points in this amendment. In the first place the Presidential Address is a very important speech in the House. A Member, Mr. Speaker, should be able to express himself and should have ample time to discuss what the President said in his Address. You will see here, Mr. Speaker, that the ten minutes proposed by His Excellency the Vice-President are very little, Mr. Speaker. I cannot express myself or comment on whatever His Excellency the President said in this House in ten minutes.

I have calculated, Mr. Speaker, that if every Member here were to speak for ten minutes in four days then only a few Members would be speaking. We would like to have as many Members as possible expressing themselves on whatever His Excellency the President has said. Mr. Speaker, not only are we going to discuss the Presidential Address within the Chamber but whatever points His Excellency the President has made outside at a public rally, then we call that a Presidential Address, and we should have ample time, Mr. Speaker, to discuss those points.

Mr. Speaker, you will see that some hon. Members are worried about speaking for 30 minutes. Here, Mr. Speaker, it is not always the case that all hon. Members are going to

stand and speak in this House. At this moment, Mr. Speaker, we have some Members who have never stood in this Chamber and spoken a word.

Mr. Omar: On a point of order, Mr. Speaker, the hon. Member speaking has alleged that there are some Members who have never said anything in this House, can he substantiate?

The Speaker (Mr. Slade): I think it is true from my own recollection.

Mr. Mwamzandi: Thank you very much, Mr. Speaker.

What I said was that some Members have never stood up and spoken in this Chamber. In the Presidential Address, Mr. Speaker, most—

Mr. Omar: On a point of order, Mr. Speaker, I am not trying to challenge your ruling, but I am doubtful over your ruling on the allegation made by the hon. Member speaking that some Members have never said anything, is it not true, Mr. Speaker, that every Member has been sworn in here and by so doing he has said a word?

The Speaker (Mr. Slade): The hon. Member was referring to business of the House. You carry on, Mr. Mwamzandi.

Mr. Mwamzandi: Mr. Speaker, my point is that it is not even possible that every Member here is going to speak on the Presidential Address, there are specific Members who have points to talk about in this House. As a result of that, Mr. Speaker, we might have about 30 or 40 Members who are going to speak in this House. It is not a waste, Mr. Speaker, using as much time as possible on the Presidential Address. This is a very important address. Apart from this, another important address would be the Financial Statement, Mr. Speaker, which is as important as the Presidential Address.

We should not, Mr. Speaker, take the Presidential Address as unimportant. It is very important. It is an address given by the Head of State within the House, Mr. Speaker, at least once every year. We should have the opportunity, Mr. Speaker, to discuss fully what the President has said.

Mr. Speaker, Sir, I could not possibly give all my points within ten minutes as specified by this Motion. Mr. Speaker, perhaps I would not use the whole 30 minutes but perhaps 15 minutes, 20 minutes or 25 minutes. Mr. Speaker, the time of ten minutes is very little.

Mr. Speaker, Sir, with these few remarks I 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): There is one thing I should say to hon. Members, I think. It is not at all for the Chair to influence the debate on a question of this kind, but it is the responsibility of the Speaker to put the facts before the House. The fact is, whether or not desirable, we have, as Mr. Seroney said, already passed through five months of this year. We have left in the year according to my calculation only 32 weeks, and we have a tremendous amount of business to get through in the course of those 32 weeks, including no less than 30 days to be spent on the Budget alone. Hon. Members must bear that in mind.

Mr. Shikuku: Mr. Speaker, Sir, I wish, with all due respect to my colleague the lawyer of this House, disagree with him on this amendment. It does not make any sense, Mr. Speaker. It does not make sense because if each Member here is to speak for half an hour and the debate drags on indefinitely, then mathematically speaking, Mr. Speaker, and I will leave him to work that out, we will find that we might as well end up the whole year still debating with half an hour each person, and we might not even have any material to talk about. It is my experience, Mr. Speaker, for the last six years while I have been here that people run out of words or of ideas, of points within a very short time, even the hon. Member who was seconding the Motion I do not think he can stand for half an hour without repeating himself. That is why I feel it is impossible, physically speaking, to have somebody standing on his feet for 30 minutes and for an unknown number of days. I think we should be a little reasonable in our imagination here, and see what is reasonable for the House.

I have no quarrel with the Motion as it stands, Mr. Speaker, I support it entirely except that I do not agree with the suggestion that we should only have four days. Four days working it out mathematically, you find there will be about 60 to 68 Members able to speak, that is out of a House of 170 Members. It is not even half the House, to get the cross section of the ideas here. That is why I feel that four days is very limited and I would suggest, Mr. Speaker, without wasting much time, that this should be amended so that instead of having the figure "4" in place thereof we should have the figure "7", so that we can have almost 130 Members who could possibly speak. This is the normal thing, which we have done in the past and I do not see why it has been reduced to four days.

Mr. Speaker, we could have it for seven days because that would allow over 100 Members to speak, instead of 60. I feel that seven days would be a very reasonable period and the Minister

when he was moving did not give us any reasonable reason why he had reduced it from the normal days to four days this time. We have had over ten days sometimes for debating the President's Speech in the past, and I do not see why it should be brought down to four. What is the hurry for? I do not see the need for any hurry. We are not fighting for our independence any more. We are here to debate and give constructive criticism. We are told to be constructive, Mr. Speaker, and we cannot be constructive when we are in such a hurry, you have to say a lot in four days and you might not have had time to think before saying them.

Let us have seven days, and let the Members prepare themselves, and then come with constructive criticism and place it before the Government and get things moving, instead of having four days.

Mr. Speaker, in view of the few words I have said I believe the hon. Members would not find it very difficult to support the amendment, namely in place of four days we have seven days.

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

The Speaker (Mr. Slade): It would be premature for that amendment to be moved until we have disposed of Mr. Seroney's amendment. I do not think it can be treated as an amendment of the amendment. Moreover, it has to be given to me in writing.

Mr. Ngala-Abok has given me notice of proposed amendment in a similar form, so those who support Mr. Ngala-Abok and Mr. Shikuku should oppose Mr. Seroney's amendment. If they are successful then Mr. Ngala-Abok will move his.

Mr. Makone: On a point of order, Mr. Speaker, may the question of the amendment be put now?

The Speaker (Mr. Slade): Order! I do not think there is a lot to be said, whatever views the hon. Members have, because the position is very clear.

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

(Question of the first part of the amendment, that the words to be left out be left out, put and negatived)

(Debate on the original Motion resumed)

Mr. Ngala-Abok: Mr. Speaker, Sir, I think the Member for Butere has explained the object of this amendment for seven days, and I think I will move it straightaway, that in place of "4 days" we insert "7 days", and the rest remains the same,

[Mr. Ngala-Abok]

in other words the Mover 20 minutes and 20 minutes for the reply, and the ordinary Members ten minutes.

Mr. Speaker, I think we ought to give the Government time to see what the Members have to say. After all, we are coming to the point where we want to expose our ideas and we want to see what policy has served this country the best, and what else we can add to what the President said yesterday. Normally, Mr. Speaker, you find that a Presidential Address, as I have observed it, merely shows the way the Government is watching or aiming at implementing certain policies, but does not give specific details as to what this Ministry is going to do in specific terms. Ministers are here, Mr. Speaker, to reply to Members when they try to criticize certain policy matters, and to explain if something is really coming.

Mr. Speaker, what I have also noticed is that Ministers and Assistant Ministers tend to catch your eye and want to speak at the wrong time. If we want to give the official Government responder time to reply collectively on behalf of the Government we should try to give more time to **Members, Back-benchers** especially, to say as much as possible so that we have few Front-benchers speaking. We have found in the past that there was a tendency for Ministers and Assistant Ministers to stand and dominate a speech like this and make many Members refrain from speaking.

Another point I have observed, Mr. Speaker, and the reason why we want seven days, is that when we only have a few days some Members will stand up for a short time and then go out, and when they find they are not catching the Speaker's eye, they say that time is nearly over and they decide not to speak and then they go out and we are left without a quorum. But if Members have seven days and have ten minutes to speak, they will speak on certain specific points. For example, Mr. Speaker, to avoid repetition, one should elaborate his own ideas on education and so leave commerce to another Member, so that Members should know that so and so has spoken, Mr. Speaker, Sir, so I should speak on agriculture. Why jump from this to that; jump from this Ministry to that Ministry and so on? I think this has been causing confusion and points of order on which Members and the Speaker have always been ruling that this is repetition.

I think it is better to specify our policy statement on education, on commerce, on agriculture, on water resources, on tourism and then sit down.

With those few remarks, Mr. Speaker, Sir, I wish to support seven days.

The Speaker (Mr. Slade): Who seconds this amendment?

Mr. Gatuguta: Mr. Speaker, Sir, I would like to second the amendment which has been moved by the hon. Member there, to the effect that we replace four days with seven days. I would have wished to say eight sitting days, that is two weeks, but since there is not much difference between seven and eight, I would like to support this amendment.

Sir, I think it is important for the House to note that the speech of the President is very, very important and the Members should take it very seriously and they must be given time to discuss it fully. We have only two occasions in a year to discuss general matters concerning the problems of this country; social and economic progress and so on. That is during the Presidential Speech and also the Budget Speech during the Budget debate. On other occasions, Sir, we are confined to certain Bills, this Bill and that Bill and we never get an opportunity during the year to discuss general matters unless a motion has been moved; but on the Presidential debate, (the debate on the Presidential Address) we get an opportunity, Sir, to speak about the problems of this country, and those problems are very many.

Kenya is a big country, with over ten million people with so many problems and we cannot be told that we can discuss those problems in four days. So, since this is an occasion for us to speak our mind on various matters and so it is necessary that we be given sufficient time. I hope that the Vice-President will not find it difficult for the Government to accept this proposal which is very reasonable and very fair. You have seen, Sir, that we are very reasonable people in this House because we have rejected an amendment by our friend hon. Seroney which looked to be very unreasonable. We have rejected that, but, when we want to propose something reasonable, I think the Government and the Leader of the Government Business should accept our proposal. This is very reasonable, Sir, and I do not wish to take more time on it. I only wish that the Vice-President will accept this.

The Speaker (Mr. Slade): I will put the question of the amendment. The question is that the figure 4 be left out of the second line of the Question and that is with a view to inserting the figure 7. Hon. Members will appreciate that the procedure we adopt in such cases, allows those who want to change the figure but would have

[The Speaker]

different views as to what figure should be inserted—to have their different views. The question now is that you leave out the figure 4, which will leave it still open for Members to argue later on that it should be the figure 6 or the figure 8. The actual question I propose at the moment is that the figure 4 be left out. If that is agreed to, I shall then propose the second part, which is that the figure 7 be inserted.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, this House being democratic and also being logical, there is also the fact that we cannot talk in this House until doomsday, as the hon. Mr. Seroney was suggesting. I am quite happy to accept the very reasonable suggestion of the hon. Members which they have made, and therefore, I have no more to add.

(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 words to be inserted in place thereof be inserted proposed)

Mr. Mbogoh: In supporting this figure, I feel that this will give everybody a chance to contribute to the debate, and therefore, without very much debate I just support the idea that the figure 7 to be inserted.

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Speaker, while sympathizing with the amendment that has just been accepted by the Leader of the Government Business, I would like to point out something I feel I should point out and this is, that assuming that the two other Motions that are on the Order Paper are going to pass through today it will leave us with one day in this week, and that is tomorrow. This also leaves us with three days next week which takes us to 29th of this month, and other three days in the following week which takes us to the 5th of June.

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

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

This, Mr. Deputy Speaker, leaves us with only a week to debate other Bills that might come up before we start debate on the Budget. What I would like to say, Mr. Deputy Speaker, is that, I hope that the speeches which will be delivered in this House appreciating the Presidential Speech from the Chair, will be in such a way that consideration will be so that when the Budget debate

begins which gives us ample opportunity to debate matters of policy; or the Government policy in the country—we will put in mind that we are not bored after having debated the Presidential Speech. At that time the House is used to listening to speeches on Government policy when debating the Budget. I say this, Mr. Deputy Speaker, because this has been quite an unfortunate situation because the President opened the Parliament in May, while, the opening of Parliament is normally done earlier, before May, so that there is a long period between his speech and that of the Minister for Finance. But these being very close together, I feel I should sound a warning that this House should not be plunged into listening to repeated speeches to those who will debate the Presidential Speech and those speeches which are made when the House is debating the Budget. This, I think, will be boring to the House and many of us will probably, as the hon. Chief Whip said, leave the Chamber and leave very few, those that are normally in this Chamber to listen to repeated speeches from the Members of Parliament. I want to point this out, because unlike other years we have been in this House, the Presidential Speech, or rather the House was convened much earlier—you know, in the month of—

Mr. Lubembe: On a point of order, Mr. Deputy Speaker. Is it in order for the hon. Minister to anticipate that the hon. Members will be making repeated speeches. Is it in order?

The Deputy Speaker (Dr. De Souza): He is not anticipating anything he is only saying that when we have the debate on the Budget hon. Members will also be allowed once again to speak as well on every subject relevant to policies of Kenya.

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Deputy Speaker, let me leave by those words that what the hon. Member for Starehe has raised will show itself in a few weeks' time. I beg to support.

Mr. Pandya: Mr. Deputy Speaker, I appreciate the gesture of the Leader of Government Business to agree to increase the days from four to seven.

Mr. Deputy Speaker, I am glad the hon. Minister for Information and Broadcasting spoke at this stage. Now this just shows the limitations of this Government of not having opened this House earlier than the 20th of May.

Mr. Deputy Speaker, we are now well used to the fact that we take a long time to debate many matters of national interest. He has himself

[Mr. Pandya]

emphasized the fact that there was so much business outstanding. I warned this House when we adjourned, that it was premature to adjourn at that time. I did say that, Mr. Deputy Speaker, and I am saying again what I said then. I am not afraid of what the hon. Minister has said, Mr. Deputy Speaker and then three months had to elapse because the Government in its wisdom thought that now is about time to call the hon. Members back to this House.

I am warning this Government, Mr. Deputy Speaker that the hon. Members must be allowed enough time. We appreciate the time limitations but Members must have time to express their views on important national matters. I am glad the Minister has said "Oh!" We have so much work to do, there is so much legislation and if hon. Members want to debate the President's Speech, what are we going to do? When are we going to pass this legislation? When are we going to pass the Budget, which must be passed—or at least the interim Vote must pass—before the end of June.

Mr. Deputy Speaker, although this is the last session and, next year we shall probably have a new set of Ministers and everything else, still quite a lot of Members I can see some of them not coming back here again.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): On a point of order, Mr. Deputy Speaker. After being generous this time, I should not be so generous next time.

I should like to draw the attention of the hon. Members that the right to convene the next session rests with His Excellency the President, and I suppose that the hon. Member is not criticizing the Head of State for delaying or doing any other thing?

The Deputy Speaker (Dr. De Souza): I think an hon. Member is entitled to draw the attention of hon. Members to the fact that he considers there is a lot of business and Parliament should have been recalled earlier. Also that some of the business is urgent, but I don't think this applies to His Excellency the President; it applies only to the Government.

Mr. Pandya: The Vice-President, the Leader of Government Business and the hon. Members of this House, agree there is no question of criticizing the person of the President.

Mr. Deputy Speaker, I am quite aware of my responsibility so he can have my assurance. I don't want to say any more, Mr. Deputy Speaker, as I have acknowledged earlier that we are very

appreciative, but I only said that I hope he will take these things into account and there is no question of any offence against any person but a Member is entitled to emphasize the shortcomings of the Government.

The Deputy Speaker (Dr. De Souza): If somebody wants to move the closure, I will be quite willing but he will move after Mr. Mathenge has spoken.

Mr. Mathenge: Mr. Deputy Speaker, Sir, I think some of the arguments now are going a little bit away from the question of the amendment, and they will have plenty of time when we pass the seven days. I beg to move that the question of the amendment be put.

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

(Question of the second part of the amendment that the words to be inserted in place thereof be inserted, put and agreed to)

(Question of the Motion as amended proposed)

The Deputy Speaker (Dr. De Souza): As there is no hon. Member who wishes to speak, I will call upon the Mover to reply.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Deputy Speaker, Sir, I would like again to say, though I agree on behalf of the Government that we should have seven days, you know that most hon. Members should be able to express their views. I also studied the figures and found that within this period possibly 126 Members will be able to speak but I doubt whether this number will be covered within that period.

Secondly, the hon. Member is complaining, Mr. Deputy Speaker, Sir, Tanzania spends 52 days in the whole of a session deciding what they want. We sat last year for 131 days, almost three times more than Tanzania. Now, Mr. Deputy Speaker, I hope that though we may be able to give more time, the House will not complain about Government delaying this or that, I think they should also be appreciative about Government generosity to allow time for Members to express their views. I think they should also try to limit their speeches or shorten what they want to say to the simplest words and in the shortest sentences as possible to enable other business to proceed without wasting time. Mr. Deputy Speaker, I thank the hon. Members who have spoken and I think this is a healthy sign of democracy.

I beg to move.

(Question of the Motion as amended put and agreed to)

Resolved Accordingly:

THAT, the debate on Presidential Address be limited to a maximum of seven days and that the speeches be limited in following manner:—

- (a) Twenty minutes for the Mover while moving and 20 minutes for the reply; and
- (b) ten minutes for each other Member speaking.

MOTION

MEMBERSHIP OF STANDING AND SELECT COMMITTEES

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

THAT, this House directs that all the membership of Standing and Select Committees of the House existing before prorogation of the National Assembly remain unaltered and that those committees continue to serve the House until otherwise ordered.

Mr. Deputy Speaker, to facilitate business, I feel very strongly that the previous committees should remain until this House or the Sessional Committee decides whether the composition of these committees will be altered. I think this is not really a controversial Motion and hope the Members will agree to this suggestion without really stressing too much on this one.

I beg to move.

The Minister for Information and Broadcasting (Mr. Osogo) seconded.

(Question proposed)

Mr. Wariithi: Mr. Deputy Speaker, my hon. friend is pulling me down but now I would like very strongly to support this Motion about these committees, but, before doing so, I would like to say that they are in two groups.

There are Select Committees of this House which we know have done very good work. They have produced their reports. These reports have been published and some of them were partly debated but were not completed. So, Mr. Deputy Speaker, it is only fair that they should be allowed to continue so that the work they have done is not wasted.

I have in mind the committees of which hon. Shikuku was Chairman and another one of which hon. Pandya was Chairman which were important and another one of which hon. G. G. Kariuki was Chairman. These three particularly, Mr. Speaker, are committees which have done a lot of good work, and that we would like to complete the work of these committees. Therefore

I don't think there will be much argument here. We all support they should continue as they are until the work is completed. However, Mr. Deputy Speaker, on the question of the other Standing Committees such as Sessional Committee, and the Catering Committee, some of us here do not know what they have done. Up to now, no report has been produced. I am not intending to amend this Motion, but I am just reminding the Leader of Government Business, it might be necessary later on to request the reshuffle of some of these other Standing Committees, especially, the Sessional Committee. It appears to have been dormant and not to do the work given to it, and the only way we can keep them on their toes is to throw out those who are useless and put in others who can do good work.

So, Mr. Speaker, with these words I would like to give my blessing to the Motion and ask the Leader of Government Business to ask for reports of some of these Standing Committees, to see what they have done.

If those committees have done nothing, we must inject new blood. Some of Members here have not had the chance of serving on these committees and I am sure they can be very useful, and experienced and would well serve on these committees.

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

Mr. Ngala-Abok: Mr. Speaker, I wish to support this, but I wish to point out a few things here I would like in future, the Leader of Government Business, to bring forward.

First, we would like to know what Select and Standing Committees he is referring to as remaining unaltered. In fact, we would like to see the names of the Committee Members listed here on a paper to see what kind of Committee Members they are, so as to examine whether they should remain unaltered. To follow what the Member who has just sat down has said is wrong, because some Members of these committees when we see them and we see their names, we may have suggestions, and we may say, "All right, So-and-so was appointed to this committee; and he has only attended so many meetings over the year, and therefore, he is not serving the committee well".

I do not accept this system of people remaining on committees for ages and ages and even their names are not appearing here. But I would like to say one thing again which the Member who has sat down has not realized.

Some of these committees are supposed to undertake actions which must be produced before this House. For example, the Committee of

[Mr. Ngala-Abok]

Privileges. We have seen that committee working here, when one Member interfered with another. There was a big report. At least twice, this committee has done some work then, and so on and so forth.

I think the committee that we need to really look into, is the Sessional Committee. The Sessional Committee has allowed this Government to postpone and adjourn Parliament for half a year. When now we are coming here to be told that we must finish this business within four days, with only ten minutes debate for each Member; and yet we have asked all this time for the House to meet are we now going to be told that we are going back in two weeks time, but when you come back we shall pass—

The Deputy Speaker (Dr. De Souza): Point of order, Mr. Shikuku.

Mr. Shikuku: Is it in order for the Member to mislead the House that Sessional Committee just does everything by itself, when the adjournment of the House and whatever is done, is both done and approved by the House, is he in order to mislead the House?

The Deputy Speaker (Dr. De Souza): Mr. Shikuku is quite right; and what is more, as the Vice-President said earlier, that all the House did was to adjourn *sine die*. It is then up to His Excellency the President and the Government, to summon the new session of Parliament. So you cannot blame the Sessional Committee really, it has nothing to do with the Sessional Committee, when the new session is summoned. Certainly if you referred to that you are out of order. If you are referring to the other adjournment, well, you may be in order, but I think you are referring to the long adjournment which has just taken place. And I think you will stand correctly.

The Assistant Minister for Power and Communications (Mr. Moss): On a point of order, Mr. Speaker, Sir, is it not also misleading for the hon. Member to suggest that, this House has been adjourned for more than half a year?

The Deputy Speaker (Dr. De Souza): I think you are quite right Mr. Moss, that was certainly an exaggeration.

Mr. Makone: Mr. Deputy Speaker, Sir, is it not also misleading in such a straightforward procedural Motion here, to say Yes, or No, and not to go into the merit of whether the committee has done this or that, and therefore waste the time of the House.

The Deputy Speaker (Dr. De Souza): I think I have got your point Mr. Makone, but when hon. Members are asked, to reappoint Standing Committees and Sessional Committees, they are certainly entitled to discuss and state whether they think that the Members of those particular committees who the Government seeks to reappoint, have in fact acted efficiently in the past or not. And they are certainly entitled to say that in their opinion, as some hon. Member pointed out that perhaps some Members have never attended the Sessional Committee very often or ask for a roll-call, or something of that sort. This is perfectly in order. They are perfectly relevant. They cannot be expected merely to come and say Yes, or No; they are entitled to express their views.

Mr. Ngala-Abok: Mr. Speaker, Sir, although, the Members of the Sessional Committee who have been very quick to get on their feet to confuse my statement which was very constructive, and although Mr. Speaker, they lie under this cover of the adjournment of the House *sine die*, I must now sound a warning, that those Members who are in that Sessional Committee must make sure that justice is done, Mr. Speaker.

With those few remarks I wish to say that Sessional Committee Members, will have to be scrutinized very carefully in future.

Mr. Lubembe: Mr. Speaker, Sir, I have taken two hours to be recognized probably I will sit in front like my friends who have spoken twice now. Well, when you are stopped to speak, you are given opportunity to raise points of orders.

The Deputy Speaker (Dr. De Souza): Point of Order, Mr. Mbogoh.

Mr. Mbogoh: Is the Member for Starehe in order to speak directly to me when he is on his feet?

The Deputy Speaker (Dr. De Souza): That is not what I wanted to say, but I did want to draw attention to Mr. Lubembe's statement that if you are not allowed to speak, you can raise points of order. Remember that is not correct. In fact, that merely confirmed the suspicion that I think, Mr. Speaker, had earlier on, that you have a tendency to raise fraudulent points of order. You are not allowed to stand on a point of order just because you think you did not have a chance to speak. This is quite wrong. If you did it in this kind of motive, you were quite wrong, and please do not repeat it.

Mr. Lubembe: That was not my motive. I was simply, saying that it is part of encouragement.

[Mr. Lubembe]

Now, Mr. Speaker, this question of getting the committees to remain as they are, is a very important thing to the Members here. In the beginning, I remember when the hon. Member, Mr. Pandya was speaking in the previous session, he said one important point that the Members should be given opportunity to serve on as many committees as they can so that every Member understands the work and function of every committee. This is not a paid job. It is something voluntary because you are paid when you come here, and that is the same time you meet and serve on these committees.

I will say Mr. Speaker, that my feeling is not biased towards those who have done well or those who have done badly; but it is that, I do not mind myself remaining out, because, I seem to read more about what Members do. It is fair that many hon. Members who have come in should be given opportunity, to serve on these committees. Some of us, who have served on many committees when we were Senators, we know what they do; but it is unfair to take a group of Members and say that they should remain there permanently.

I am not trying to allege that this is the intention of the Leader of the Government Business, because, he has said in his Motion, in the last line that, "to serve the House until otherwise ordered". That means, that he admits that if the House orders that they should not remain there permanently, he will accept what the House wants. But this is a procedural Motion, it might have been difficult for the Government to come and say, "So-and-so is good, or So-and-so is absent", like in school. That would have been difficult. I feel that the committees as mentioned, by the hon. Mr. Wariithi, should remain there because they have had some work which requires more experienced scrutiny, as some people in this particular institution, like land settlement, Africanization and so on.

A committee like the Sessional Committee and others that require permanent work to be done in this particular House, I think this should be dissolved or since, they have been dissolved they should be left out of this Motion so that the question of Standing and Select Committees, we can leave out the question of the Standing Committees and let us remain with the words "Select Committees". This will be the committees that will have already been mentioned.

I will also say, Mr. Speaker, that, if we want to do effective work, and if we want to know, although I have said I do not base my merits

to what people do, it also reminds us of the Members who are members of these committees those and who are not members. So that when selecting, you know which Member have been there, and which Members have not been there. Since there is no Sessional Committee now, that particular membership is gone because it should be reappointed with the new session. What I may want to ask the Leader of Government Business to explain, is whether, it is provided for in Standing Orders, that certain Members can remain as long as the House wants, or the House can decide whether, they should continue or not. If they have to remain, then I think, since the House was prorogued, they no longer exist. If we want to reappoint them, then we must have them put down on a list so that they are appointed, their appointment is adopted. However, if we only talk of adopting the committee, then it means adopting the Members of the committee as they are.

Therefore, Mr. Deputy Speaker, without going further, I want to amend the wording of the Motion. I want to remove the words "Standing and" from the Motion and leave it to read, "THAT, this House directs that all the Membership of Select Committees . . .". We can have other committees appointed, I say that I want to amend this Motion in this manner.

I am sure the hon. Members have already agreed that the hon. Shikuku has done a wonderful job. I have not read the report about land settlement but I do know that many people are still complaining about this. I read about these complaints in the papers and learnt that these things are still happening. I hope that more will be done than what has been done already.

Probably the Leader of Government Business will not mind if the Motion is amended in the way I have suggested. I am sure he will be as good as he was towards the previous Motion. I am sure he will accept this amendment.

Mr. Deputy Speaker, although I have not yet given notice to the Chair, I do not know if I can be allowed to give notice now. It is only a question of deleting the two small words, "Standing and" from the Motion. Can I do that now?

The Deputy Speaker (Dr. De Souza): No, not now. I think you should have given notice in writing. I do not think I will allow you now. Perhaps some other Member will move it for you.

Mr. Lubembe: I am sure—

[Mr. Lubembe]

Mr. Deputy Speaker, there are some Assistant Ministers who really do not understand the procedure of this House although the President has honoured them by making them Assistant Ministers.

Is the hon. Assistant Minister in order to order me to sit down?

The Deputy Speaker (Dr. De Souza): I had asked you to sit down when I stood to speak.

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 name me and point at me while I said nothing? He was shouted down from the other side of the House.

The Deputy Speaker (Dr. De Souza): We will accept that correction.

Mr. Mbogoh: Mr. Deputy Speaker, Sir, I feel that this Motion, as it is, lacks something. Like my colleagues, I find it very difficult to agree with the wording of the Motion, that—“. . . the Membership of Standing and Select Committees of the House existing before prorogation of the National Assembly remains unaltered and that those committees continue to serve the House until otherwise ordered”. Now, Sir, the words I am against are, “until otherwise ordered”. By whom?

Mr. Shikuku: By the House.

Mr. Mbogoh: Who will order them to get out of office?

Mr. Shikuku: The House.

Mr. Mbogoh: Well, if it is by the House, then we should fix a certain time and say, “until such-and-such a day, when the House will order their removal”. Like any other independent Government of Africa, this House has the right to order the removal of Members from these committees, but as usual I find that they want to remain in office forever. It is also possible sometimes, that somebody wants them to remain in office forever. In many cases we have seen that in African governments, once people get into power, nobody wants to get out of office; they want to remain there forever.

Sir, as I said when we were selecting these Members, I find it very unwise to keep one bunch of Members on a particular committee for longer than necessary. Although we do not expect that they will be paid when they are sitting on these committees, it is the right of every Member of this House to serve on a committee and dis-

cover what talents he has within himself. There are many Members in this House who have never served on the Sessional Committee; and there are Members, on the other hand, who have repeatedly been returned to the Sessional Committee as though they have been born with the wisdom of Moses or Solomon. That is out of the question. Each and every Member here has a right to serve on these committees, unless somebody has something to make him feel that these particular Members who have never been chosen cannot serve them properly. I do not fear that any Members of this House can serve this House and find difficulty in doing so.

Mr. Deputy Speaker, I agree with the hon. Members who suggested that the Select Committees should continue functioning as they are until they report back to this House because, naturally, you cannot expect me to be appointed chairman of one of the committees—say the one investigating Mr. Theuri's case—and succeed when I was not there during the initial stage. You cannot expect me to try and follow those people who have more than one plot when I have not been there to follow what was said right at the beginning.

The standing committees should be either disbanded immediately or the Members who have been there longest should be removed and replaced with some new blood.

I would also like this question of “otherwise orders” clarified immediately because I cannot see how it will be ordered. Shall I stand in the House and start ordering that these committees stop functioning, what orders will they receive?

Although I have no intention of moving any amendment to this Motion, I would like to mention one thing in favour of it. I feel, for example, that the Sessional Committee will soon be meeting to decide what business we are going to do during the coming week, to plan the business of the week. It will be very difficult to do any business without the present Members of the Sessional Committee. I will not oppose their being present for this meeting; but during the next week, after they have decided what business is to be done during next week, they should be removed from office and another lot of Members should be selected as soon as possible in order to give as many Members as possible a wider knowledge of the workings of this House. This should be done as soon as possible since we know that sooner or later some of these Members will be Ministers, while on the other hand some will get out of this House.

Since this is everybody's right, I hope that the Vice-President will consider giving us as much experience on the workings of this House instead

[Mr. Mbogoh]

of allowing only a few individuals to continue sitting on these committees as though they are fixed there.

I wish to support this Motion temporarily, until that happens.

Mr. Seroney: Mr. Deputy Speaker, Sir, I think this Motion is very dangerous because it seeks to circumvent at least the spirit of our Standing Orders.

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

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

Our Standing Orders provide, Mr. Speaker, that the prorogation of Parliament has certain effects. One of them is that all motions and committees, and everything, comes to an end. I think this is very important, Sir, because it then gives the House, at the beginning of a new session, an opportunity to think afresh and to apply its mind to the question of fresh, new standing committees. It may be true, Mr. Speaker, that perhaps Members of the previous standing committees did very well, in which case, Sir, there is nothing to stop their names being proposed again afresh. However, I think it is dangerous to bring a blanket Motion saying that everybody who was there last session should automatically be regarded as having been reappointed.

I think the correct procedure would be for the fresh membership, even though it may mean re-appointment of the old ones. But there should be a fresh reappointment of all the committees and the Leader of Government Business should not seek to avoid this by simply bringing a blanket Motion covering each and every committee.

I can understand, Mr. Speaker, the purpose or usefulness of reviving a Select Committee which had not finished its work at the time of the prorogation. It has been mentioned, Mr. Speaker, that at least three committees, although they had finished their work, had not had their reports considered by this House. In that particular case I have no objection to their being revived and kept in existence until their work is finished because, after all, when this House has decided what to make of their reports, then their existence would automatically come to an end. So I have no objection to having this particular committee being resurrected.

However, with regard to the other Standing Committees, particularly the Sessional Committee, I think the Leader of Government Business should prepare a fresh list of those he proposes for the consideration of this House.

Mr. Speaker, I, therefore, propose that the words "of Standing and" appearing in the first and second line of the Motion be left out of the question. The effect of this, Sir, would be to revive only those Select Committees which existed at the last session and which would automatically come to an end when their work is finished.

Sir, I beg to move.

The Speaker (Mr. Slade): Who seconds the amendment? Mr. Lubembe. You have spoken, I think.

Mr. Lubembe: I have spoken, but this is question of an amendment.

The Speaker (Mr. Slade): Then you cannot second an amendment, I am afraid.

Is there no other hon. Member who wishes to second the amendment? There is no Seconder. So debate continues on the main Motion.

I think, hon. Members, I should clear up what might be a slight misunderstanding, because the real purpose of this Motion is to provide the House with some machinery to carry on with until the normal procedure of presenting to the House a new Sessional Committee for appointment can take effect.

I have to acknowledge that it was actually at my suggestion that this particular Motion has been put before you. As has been pointed out, all Select Committees, including Standing Committees, die with prorogation; but if the House needs these committees to carry on the business of the House. For instance, tomorrow a Sessional Committee will have to meet to decide on the business of next week. The Catering Committee is constantly in action. I know the intention of this Motion is simply to provide committees to work until the Leader of Government Business has time to present to the House a list of a Sessional Committee for this session, following which that Sessional Committee will, as usual, appoint the various other Standing Committees of this House.

I was going to ask the Leader of Government Business whether he would like to give an assurance to the House that he will, in the course of next week, present a Motion for appointment of the Sessional Committee which, in its turn, as I said, will deal with the appointment of Standing Committees; so as to get clear the scope of this debate.

Mr. arap Moi, would you like to say a word on this?

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, precisely. The hon. Member did state, when

[The Vice-President and Minister for Home Affairs]

referring to my Motion in the last sentence, that until otherwise altered. I meant that the normal procedure, the normal machinery, should be followed in order to enable Members to be appointed or be reappointed. I did mention that we want each Member to serve on these committees; and it is still my wish that all Members get a chance of serving on these committees. Therefore, Mr. Speaker, I entirely endorse what you say, that we want the Sessional Committee, and these other committees, to meet to propose names. In these suggestions, names of some of the Members who have not served can be put in and then this will be debated in this House. Those from the Government side should be put in. There should be no difficulty. I have said more than once that there is no reason why we should have suspicions; we should be frank and say what we aim at in this or that.

Mr. Komora: On a point of order, Mr. Speaker, can I move that the Mover be called upon to reply?

The Speaker (Mr. Slade): Perhaps I might, in addition, remind hon. Members that the House did pass a precisely similar Motion at the beginning of the last session and was not disappointed in the action taken subsequently by the Leader of Government Business.

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

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I listened with great interest to the expressions made by Members as to the weaknesses of some of the committees and the effectiveness of some of the committees, the Sessional Committee or the other committees. This is, in fact, the method through which the House can rectify things; there is no other way through which we can rectify this. However, I would like to thank those who have served on these committees. It is easy to criticize and say that they were not effective and so on, but at least they were able to produce some of the things which this House debated and went through with no difficulty. I would like to emphasize that we will be as generous as we were at that time, even to Members of the Opposition, although Standing Orders would not allow this. We want each Member of this House to participate in the committees, and express views and agree as Members of this House as to how things go in this House.

I would like, once again, to assure Members that as soon as we meet we will propose so that

next week you will endorse the Members whom you wish to serve on these committees.

Mr. Speaker, I beg to move.

(Question put and agreed to)

Mr. Ngala-Abok: Mr. Speaker, as regards this Motion, there is something which is not very clear to me. You have stated that Standing Orders require that all Members of the Standing Committees be appointed by Sessional Committee Members. Who proposes the names of the Sessional Committee Members when we debate their names here?

The Speaker (Mr. Slade): That duty is for the Leader of Government Business, to present a Motion naming the Members of the Sessional Committee for the coming session. I think he does sometimes take the views of the outgoing Sessional Committee, but he is under no obligation to do so. He may not think their views are worth taking and start again altogether.

MOTION

LIMITATION OF DEBATE: MOTIONS FOR ADJOURNMENT INTO RECESS

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

THAT, the debate on any Motion for the adjournment of the House 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 for each Member speaking:

Provided that, when the period of recess proposed by any such Motion does not exceed nine days, the debate shall be limited to a maximum of 30 minutes, and shall be strictly confined to the question of adjournment.

Mr. Speaker, I think this is again a procedure that has been in existence and its purpose has been to facilitate Members who wish to raise matters on any topic based on this Motion. I do not think there is any difficulty in this one, nor do I expect any Member to speak against it. In fact, it is helpful to the hon. Members.

Therefore, Sir, I beg to move.

The Assistant Minister for Co-operatives and Social Services (Mr. Maisori-Itumbo) seconded.

(Question proposed)

Mr. Okelo-Odongo: Mr. Speaker, Sir, as the Minister said, this Motion does not invite much opposition. I am not going to oppose it but only to make a few remarks with regard to the last part of it. In other words, where you have a period less than nine days. It seems to me that there is something wrong with the rhythm of the House at the moment, especially since we

[Mr. Okelo-Odongo]

had a very unprecedented long recess of three months last time, and I do not know whether it is the intention of the Government again to have this little break of meeting here for one week and thus make us go home for one week—

The Speaker (Mr. Slade): I think that is irrelevant to this question, which is the time limit on debate.

Mr. Okelo-Odongo: Mr. Speaker, Sir, I hope that this will not become necessary. We should adjourn at the right time and this period which makes it necessary for us to approve these few hours or few minutes—30 minutes—for adjournment, should not be necessary at all, especially in the view of the position that there is so much work to be done and so on.

With these views, I beg to support.

Mr. Shikuku: Mr. Speaker, Sir, I think the last hon. speaker, who has been here for the last six years, should have been able to benefit from the small holiday that he had out of this Chamber. He should be able to know that what we are talking about is not about these recesses and so forth. The recesses are arranged, Mr. Speaker, by the Sessional Committee and they are brought to this House and approved as a Motion on the Adjournment. Here we are talking about the normal routine, namely that we are to adjourn the House sometimes for a given period, which is stated, and the Motion is usually approved by the Assembly itself; and that is what we are talking about.

As far as 30 minutes are concerned, this is covering the usual routine for a Member who wants to raise a matter on adjournment and that is usually 30 minutes. As we are now starting a new session, we have got to cater for it now in this Motion, and that is why the 30 minutes are there so that if a Member is not satisfied by a reply given by a certain Minister and he raises the matter on adjournment, and he is given this half an hour to puff up his stuff and feels fine after that. This is usual and has been so for all the years that I have been here.

The Speaker (Mr. Slade): Mr. Shikuku, I think you are getting on to another point. You see, we are talking in this Motion only of adjournment to another day other than the next day, that is adjournment into a recess. The Motion for Adjournment at the end of a day's business, on which a Member has half an hour, is provided for by Standing Orders, and is not covered by this question at all.

Mr. Shikuku: I am sorry, I overstated it, but the point here is—I am quite confused, Mr. Speaker, at what the Member is suggesting—that

I know what I am talking about, namely the 30 minutes which we usually have here. I would not go to the extent of mentioning the Standing Order No. 20 which is also provided for by the Standing Orders here. What I am talking about is this adjournment of the Motion or of the House, and we have to have this Motion, and this is not a new thing. It is something we always have at the beginning of a new session and it is nothing new, Mr. Speaker. As far as the adjournment of the House for more than nine days is concerned, this is done by a formal Motion brought by the Leader of Government Business. So I do not see any problem here and would rather move on and get to the serious business on Order No. 13, so that we can start puffing up some stuff right from today and we keep on going for seven days. Today should not be counted, Mr. Speaker, because it will help some Members to puff up their air so that the next time we may have many Members ready to speak.

With these few remarks, Mr. Speaker, I beg to support the Motion.

The Assistant Minister for Economic Planning and Development (Mr. Kase): Mr. Speaker, may the Mover be called upon to reply.

(Question put and agreed to)

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, I thank the hon. Members. I think this is the normal thing that if the Government proposes a Motion that the House should adjourn for three days, or four days, this should be the procedure which will help the House to go about it.

I thank the Members for supporting this Motion and I hope we will continue to work together for the good of the House and the country generally.

Mr. Speaker, I beg to move.

(Question put and agreed to)

MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

(First Day)

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, and hon. Members of this House, it is my pleasant duty this day to record a vote of thanks from this House to His Excellency the President for his exposition of public policy contained in his speech from the Chair yesterday.

Mr. Speaker, Sir, once again in his Presidential Address His Excellency stressed the need for unity. Unity reflected not only in the deliberations

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of our National Assembly in their approach to our national problems and achievements of our goals, but also translated in—

Mr. Munyasia: On a point of order, Mr. Speaker, I am seeking your guidance, I thought that it was procedural in a Motion of this kind that the hon. Mover should read what is on the Order Paper? I am seeking your guidance, Mr. Speaker, as to whether it is necessary to read these words before continuing?

The Speaker (Mr. Slade): I have ruled on this point before, that an hon. Member moving a Motion must always state the terms of the Motion at some stage, but it is up to him to decide whether to state them in the beginning, at the end or in the middle of his speech.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, the hon. Member ought to know—he should be mature enough to know—that when we speak on matters of such importance we always have notes. He has his own notes and must therefore allow me to read mine.

I did say, Mr. Speaker, that unity which was stressed in His Excellency's speech, must be translated in real and practical terms to all our *wananchi*. As Leader of Government Business I would like to assure His Excellency that, as in the past, we will continue to give him the fullest support, and to the best of our ability, in the great task of nation building, and the maximum consolidation of our single and various efforts directed towards nothing short of the collective good for our country.

We will endeavour, as a House, to maintain our national integrity which His Excellency the President referred to in his speech, and safeguard at all times that the very principles and foundations upon which this nation has been built will be preserved. To do this effectively we will require to approach the future with great dedication uninfluenced by selfish or personal interests.

His Excellency, Mr. Speaker, pointed out, quite rightly, that today we have a Constitution which is of our own making, and I think the Leader of the Opposition will agree with us that the old one had some making of the British Government at that time. Since the Constitution came into being it has been amended from time to time by this House. It will be our duty at all times to abide by the Constitution, and continue with added vigour to approach our laws in a manner which will reflect the wishes of our people. When we have a problem which affects the entire community, and we would like it to be solved in the

way they want, we bring it to this House to rectify or legislate it. We shall continue to do this. His Excellency also spoke of various development projects that are going on in this country today and stated that there will be emphasis on rural development projects.

In this connexion, Sir, I would like to pay special tribute to hon. Members who, because of their co-operation in the field, co-operating with the arm of the Government, the executive arm of the Government, enabled most of these projects to proceed smoothly. I would like to thank them and request them to continue to support the Government's effort in this field because this same spirit should continue to prevail in the countryside so that we know that they are helping our people.

On the question of thieves and bandits, to which His Excellency referred during his speech, I can only say, as the Minister responsible for law and order, that the police force will work day and night to see that these evil-doers are cleared from the streets of our towns.

The Immigration Act and the Trade Licensing Act—both of which were passed through this Parliament last year—have helped, as it had been expected, to increase the participation of our people in the economic life of the nation. We are forging ahead with assistance of these two Acts to provide more and more employment opportunities to our people, both in the public and in the private sectors. The Government continues to attach great importance to the development of manpower and to the training opportunities to be given to the citizens in all spheres of commerce and industry. This is a difficult task which no Government can hope to accomplish, Mr. Speaker, overnight. However, with our determined policy of Africanization, we are confident that the task will be carried out smoothly and orderly without disrupting the economy. I know there have been some complaints here and there and I would like to ask and seek co-operation of the hon. Members here, because many people have misunderstood the Government's policy on these two points: the Immigration Act and the Trade Licensing Act. When I was away overseas, I did explain that our policy is not to discriminate against citizens of this country. What we are doing is to implement our policy, not with malice, Mr. Speaker, but with the spirit in which the Government intended to implement this policy. I would like to add here that overseas papers have recently misinterpreted the Government policy: for instance, instead of saying British Asian citizens, they say Kenya Asians. To say Kenya Asians, lumping those who are British citizens and those who are Kenya citizens means that we are discriminating against Kenya citizens who are, according to the news-

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papers, Kenya citizens. I would like to say here clearly that Kenya Asian citizens or Kenya European citizens are treated like anybody else; but those who are British-Asian citizens are not our responsibility. As a nation, we are responsible to our nationals irrespective of colour, breed or whatever you wish.

I wish to make this point clear because of the misunderstanding which has been in existence overseas. I hope this has been rectified and that the local Press and representatives of certain overseas papers will interpret what we mean from what we do.

I would like to say again that there have been some criticisms with regard to issuing of work permits. I would like to inform the House that no one is employed freely. Any employer who wants somebody to be retained for some time—say, for four or six months, or even one year—must pay Sh. 500. From this source, the Government collected £300,000 last year. As we move along, these permits cease to be renewed and our people are employed, particularly the boys who have completed their School Certificate and others who are seeking employment.

Through His Excellency's leadership and wise guidance, Kenya has obtained an excellent image throughout the world. This Parliament will try to maintain and enhance this image by steering, as we have done in the past, on our own non-aligned policy in international politics and without being drawn to the power struggles that so much characterize world politics today. We shall continue to co-operate with all countries and to welcome assistance from any corner of the world. As the President pointed out in his speech, we shall continue to welcome foreign investment, but must at the same time insist on the training of local personnel. This is a must, both in the Public Service and in the private sectors. There can be no doubt that the rapid progress which Kenya has attained since independence is mainly due to the stability and unity that His Excellency's leadership has created in this country. We must all accept this, even the Members of the Opposition. I think this is essential.

Our relations with the neighbouring countries continue to strengthen in the spirit of African brotherhood. On behalf of this House I would like to express a deep gratitude to His Excellency for the unique contribution which he has personally made in furthering this course. We all pray that God may grant him many years to serve all our people in this country, and in Africa as a whole.

I would like also, Mr. Speaker, to take this opportunity to thank you, Mr. Speaker, for the wisdom and tact with which you have conducted our debates during the past sessions. I have no doubt that your calm and sober judgment will continue to guide our deliberations to greater success during this current session.

To you, hon. Members, I need not say that you are a very useful part of this Parliament. Without you the Parliament would not have the lively debates which keep the spirit and humour of this House going. In the past this Parliament has been remarkable in the manner in which it has discussed even the most serious issues. In our approach to Parliamentary business I trust that you will all heed to His Excellency the President's words about maintaining the dignity of this House.

In the past we have also learnt to respect not only our Speaker's word but also the right of each one of us to express his opinions without being interfered with, however much we may disagree with these opinions. Freedom of thought and speech is the very essence of democracy and I am sure we shall continue to exert ourselves to preserve it.

Of course, when I address all the hon. Members of this House, this includes my hon. friend the Leader of the Opposition who is always full of humour.

With these mixed feelings the House will forge ahead with no rancour, Mr. Speaker, I beg to move.

The Assistant Minister for Co-operatives and Social Services (Mr. Maisori-Itumbo) seconded.

(Question proposed)

Mr. Odinga: Mr. Speaker, Sir, I must thank the Leader of Government Business for the nice words which he has expressed both to you and to this House, in regard to the conduct of business of this House.

Before I actually make some comments which I have on the speech of the President, which is now before us, I would like to thank the hon. Members of this House for the sense of humour which has been the characteristic of this House for quite a long time and which I hope will continue. This is something the Vice-President also referred to.

Now, Mr. Speaker, although as usual, you know, I have deep respect for the President of this country, on this particular occasion when he made this speech which is considered to be a policy statement for Kenya, here I cannot excuse him. I say this because I did not see any policy statement, any policy speech that was made. In

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a policy statement which comes from the Head of State you cannot get it mixed up with things like bandits, thugs, thieves and so forth. These are not things which cover the duties of the Head of State. These should not appear in the text when he is making a policy speech.

Again, Sir, in his speech, in the second paragraph, the President began by giving a note of warning to the Back-benchers of this House who have been very outspoken in many of their criticisms of Government policy, and so on. Here they are being warned not to go on making long deliberations, some which may be baseless, and some which should not be made because they are committed by popular mandate to support with loyalty. Yes, of course, they may be committed by loyalty. But when they are in this House they are supposed to be representatives of the *wananchi*, and as representatives of the *wananchi* they must express the popular opinion of the *wananchi* whom they represent. Here I would have liked both the Government and those who draft the policy statement for the President to know that they should know better. They should know better that this is not the place to mention these things. When they are drafting what they call an important policy statement, which goes into international fields, it is not where they should warn the Members of what they do not want the Members to do. If they want to warn the Back-benchers, they have the Back-benchers' group meetings where they can warn them and discuss things with them plainly. Therefore, I want to prove that it was unnecessary indeed to mention this question here in the policy statement.

Then the President came to talk about what he called legislation coming for the purpose of dealing with primaries before the election. This is in the fifth paragraph. Well, even these primaries, and so on, is this not due to the weakness of Kanu, of having failed to organize themselves? Now they want to back themselves by a legislation passed in this House. Can this actually be part of what we call the policy statement of a nation? Kanu is jumping from one fire to another. When they banned what they called independents, they thought that that was not going to be a problem to them. They landed themselves into a hot soup and now hope to get out of it by primaries.

Mr. Shikuku: Who made the soup?

Mr. Odinga: Mr. Speaker, are we in Kenya really capable, or do we have enough money to waste on two elections within one national election? Have we money enough to waste in that manner? This is a question which people

must ask themselves. Otherwise, Sir, some people may just say, "Yes, Sir", and then they will find themselves in another soup.

Mr. Shikuku: Which soup?

Mr. Odinga: Mr. Speaker, I find also in the policy statement, in the 26th paragraph, that the President has again warned the Back-benchers. There he says something which seems to be particularly directed to the Opposition and all those other Members who are not actually on the Government Benches. He warns that the Constitution has provided—within the Parliamentary system—every facility for criticism and debate. Yes, we have! Do we actually allow criticism even outside this House when we do not allow public meetings to be held? Where do we allow criticism to be made? The President and the Government must be able to accept what is called fair criticism in order to know what is wrong with their policies and all that they stand for. Therefore, to be thick-skinned you must stand criticism; the criticism must be there and fair criticism must be accepted. This is what the Opposition has stood for, but instead of taking the Opposition in that manner, it is being considered to be subversive. I am very sorry if the President and the Government takes the Opposition to be subversive. It is very wrong indeed. At the same time they charge the Opposition by saying that they are using foreign money even to run their own affairs. What happened in the Gem election anybody could have known. How much money did the Government use in that election? How much money they used there, the people will judge and the people will know. Where did they get that money? Did they take it from the public purse? Where did they get it?

Now, to go on, it is those who live in glass houses who should not begin throwing stones, because when you begin throwing stones you might get yourself into dangerous corners.

Mr. Speaker, Sir, I like it that we should be straight with one another and know what we are going to do. To talk of non-alignment—are we really non-aligned? Shall we say that we are really non-aligned in Kenya? This is what we have said. What we have said is that we are only stooges of the British system in this country, and nothing more, as we have not got out of it. Being stooges of a system which we got—I am very sorry, Mr. Speaker, I will not repeat that word.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, is the hon. Member in order to refer to this House as a stooge of the British system; should he not be asked to withdraw that?

The Speaker (Mr. Slade): You will withdraw, will you not, Mr. Odinga?

Mr. Odinga: I withdraw that, Mr. Speaker.

Mr. Speaker, I should say that we are contenting ourselves with the *status quo* which we have, simply because we do not like trouble; we do not like to take the trouble to make changes, drastic changes. Therefore, we should not actually say that we are non-aligned; we are aligned and that should be understood.

Mr. Speaker, I should like to say something more before I sit because when the hon. Member was speaking I was listening very attentively. He should also be patient when I am dissecting him a little bit.

Mr. Speaker, I like to make a more or less generalized statement. The President said that we have laid the foundation. I do not think we have laid the foundation which is enough to cover the whole country. It is a very narrow foundation which does not actually accommodate the whole country.

Mr. Khaoya: Mr. Speaker, yesterday we had a very brief statement from our Government and I must agree that it was a very important document which has now gone right down to the population of Kenya. Yesterday we listened very carefully and I think today it is the turn of our Government to listen to the voice of the country as represented by all of us.

Mr. Speaker, I notice that for the last five months, with only the interruption of three weeks' sitting, this House has not been sitting. Since December 12th we were only interrupted in February for three weeks. This has caused a lot of speculation in the country. A number of people have asked if it was because His Excellency was thinking of dissolving the National Assembly and only changed his mind after seeing the trend of events in Gem, or whether it was lack of business that caused the House not to sit for so long. Here, Mr. Speaker, as a Government Back-bencher, I would like to ask our Government very clearly, if at all it was the question of a lack of business in this House. Who was responsible for the delay? In fact, this is a very sensitive year indeed, it being the year of Our Lord—the year before the General Election. This is a very sensitive year whereby we should never show any sign of being tired at all, because if you continue showing you are tired you might as well be given a permanent leave without pay by the population.

Mr. Speaker, I would like to say also that because of the situation we have, our Government should be very careful as to how they handle the public from now on. The public must be handled with respect, and with tact and with

intelligence. So far, as we recently saw in the Gem by-election, it was a big shock to us on the Government side. It was a show of lack of confidence in the Government by the people of Gem because, perhaps, a person from Nairobi—I think it was a Mr. Mungai—was asked to go and supervise the Kanu election. Who is Mungai anyway? Who is he? As far as we are concerned, in Kanu, he is a private person. You see that this has happened, and we have to warn our Government in time so that they do not make this mistake in future. With Quantas Airline, Mr. Speaker, they have got a very popular slogan where they say that if you are going to Australia and you do not know a possum from a kangaroo you had better ask the people who know. In that case you ask the people from the airline who go there 15 times a week. In this case, the people who should have been responsible for the election in Gem should have been the Members of this House who reside in that area, who speak the local language there and understand the problems of the rural people. Here, Mr. Speaker, I think the Government has let us down terribly. The only hope we have is that in the Primary Elections, maybe, we shall solve some of these problems.

Mr. Speaker, I notice that in the statement of yesterday there was no prominence given to agriculture which is the mainstay of the economy of Kenya. I expected, in the statement we had yesterday, that the economic development of Kenya would be gone into thoroughly. You cannot do so without touching agriculture which is the mainstay.

For instance, I now find that we have a downward trend of falling prices for our agricultural commodities, and the explanation we get is that our Government can do nothing to affect increasing the world prices on the world markets. So far so good. However, I think there are areas where our own Government can do something; face the facts and see if they cannot improve the trading prices for our commodities in Kenya.

Here I will give some examples. Only last year—in October it was—when it was stated that the price of maize shall be reduced by Sh. 3 per bag, and the reason was that our maize was fetching a very low price on the world market, I think somebody went as far as quoting that it was as little as Sh. 17 per bag on the world market. Today I find, for instance, that in Kenya we have been able to sell our maize not to Japan, as was expected, but also to London through Mitchell Cotts at about Sh. 39 a bag of maize. What justification is there today for our Government to continue to pay the low prices on the world market? There is not at all. The reason was that

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we were selling at a low price, and if that reason no longer exists, then we should like to see an immediate revision of the prices of agricultural commodities, including maize.

I think the other area to which our Government should give careful consideration is the question of internal marketing, as this is something they have not bothered to look into at all. If you go, today, into any hotel, a glass of milk is 50 cents or Sh. 1. Now if you work out how many glasses there are in one pint—there are three—and how many pints there are in one gallon—there are eight—and you get 24 glasses and at a price of 50 cents you get Sh. 12 a gallon. This is not on the world market, but in Kenya. You find that at the other end the farmer is producing the milk and keeping the cow for a full year and he is getting only Sh. 2/40 a gallon. You see you sell your gallon at Sh. 2/40 and then you take your milk to a hotel and they do not do a thing at all—they only pour it into little glasses—and they get Sh. 12 for your gallon. Surely, do we have a body here today, charged with the responsibility of controlling prices in Kenya? And if there is one, does it look at these points?

I am challenging the Government—being the year we all know as we have to fight for our survival—I only came here a few years ago and I do not want to go out as I would like to stay in Parliament here—that they should do these things; they should examine and see that our agricultural economy is well catered for, because if they do not do that they will be in trouble. They should bear in mind that we do not have mines like the rich Katanga mines and the copper mines such as other countries have. In Kenya we do not have these things.

Mr. Speaker, I notice that our coffee industry is also going into the doldrums. Only yesterday we were reading a very shocking report—What is our Government doing in preparation to combat such a situation? I leave that as that, hoping that this year they will do something.

My last point, Mr. Speaker, is that of the spirit of *Harambee*. During the battle for this Republic, *Harambee* was also born. I have a feeling that the Government and the local authorities are exploiting this feeling of *Harambee*, and so much so that the taxes that people are paying the country are not giving any services at all. Today if you want a hospital you have to donate, if you want a road you have to donate, if you want a secondary school you have to donate. What about the taxes we are paying to the Government and the local authorities; what part are they playing? Even recently it was shocking to read of His

Excellency giving Sh. 300,000 donation—a Government donation—to a hospital in Chogoria. It should not be a donation, it should be a Government take-over for the taxes we pay in Kenya.

I have seen this going on and, unless we are careful, we are drifting towards a situation where everything we are doing is by donation, until one day we will ask if everything is being done by donation. Why should we pay the taxes?

Mr. Speaker, with those few remarks, I would like to support; but also to warn the Government that this is the time for them to shake out of their slumber and do some business.

Mr. Kago: Mr. Speaker, Sir, I would like to thank the Leader of Government Business for the way he moved his Motion because I think he touched on very important points that should be stressed in this House, and also some of the points that should be given a different opinion as cases are concerned.

Mr. Speaker, Sir, the hon. Leader of the Opposition has, I think, in a passing manner—because I do not think that he considered his opinions clearly—said that Kanu is dying and is in hot soup and is jumping from one soup to another. Mr. Speaker, I think my hon. friend should remember, when he speaks about Primary Elections and then tries to criticize them, that he is completely in darkness, because as we read from the papers—and not only from the papers because we also hear it from the public—this kind of system is completely supported.

Mr. Speaker, I think the hon. Member is suffering from one problem, and I think the problem is that he does not understand what we mean by primaries. Primaries, to us, means giving the entire public of Kenya the chance to decide on who should come to be their representative in this House. We are not leaving the responsibility to a handful of picked members, maybe of an executive committee or maybe of a delegate. This is a supreme House and this is the only place where we can decide on our national policy; and that being the case, the public must be represented here by people of their choice. There is no other way, to my knowledge, to show the wish of the entire public, other than going right out during the early stages of the election and showing the people their choice.

Kanu, Mr. Speaker, was defeated in Gem because they did not let the people there nominate their own person. A person had to be imposed on them—a person who was imported from Nairobi to go there. In several other places, even during our last election, we had the same kind of thing.

Mr. Ondiek-Chillo: Mr. Speaker, can the hon. Member substantiate that the Kanu member was imposed from Nairobi and say who actually imposed him on the people of Gem, because this is a serious allegation?

The Speaker (Mr. Slade): He was expressing an opinion.

Mr. Kago: My friend and colleague is from the same Church as I come from, and so we do not fight on such things; but I think today he has not seen the right end of the stick.

Mr. Speaker, without wasting time on what my friend said, I would say this: people must be allowed to have their choice and they cannot show it in any other way except by taking part in the nominations. That is what we mean by a primary election, which I am sure the hon. Leader of the Opposition is very pleased about. I do not think he understood what was meant by this.

Mr. Speaker, I would like to mention something else that was said by the Leader of Government Business. I was very pleased to hear him say that he is the person who is responsible for law and order in this country. Along with that I would like to congratulate the last speaker for saying—I would like to correct him, however, and tell him that it is not only this year but all the time, Government officers should learn to handle the public in a very proper manner, without any frustration and without any trouble of any sort. It is now the common statement around the countryside that the Government officials, the Government big bosses, and especially—for that matter—the police, are harassing the public in a very unwarrantable manner.

Mr. Speaker, last night I was having a piece of meat at Bahati—we go there sometimes in the evening and roast meat and eat it there. The people there told me about very vivid cases of our friends the police, who go there and find people eating their piece of meat peacefully in their car, and having a bottle of beer—and what do these friends of ours, the police do? They find out where the beer was bought and then charge the person who sold the beer—

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Matano): On a point of order, Mr. Speaker, the hon. Member is alleging a very, very serious matter against the police, and I wonder if it is in order for me to ask for substantiation of this matter?

The Speaker (Mr. Slade): The hon. Member is substantiating, in that he is describing where he heard this, and I think that it is enough substantiation for him to say that he was in a

certain place and the people there were saying this. How serious it is remains to be seen. It sounds at the moment as if the police were only doing their duty; but there may be something worse than that.

Mr. Kago: Mr. Speaker, I think this is where the Government goes wrong. Whenever they hear something mentioned, a criticism, they jump up and do not wait to hear what happened. If this is a government of the people, and if it is intended to serve the people, then it must bear the criticism of the people. Why should the police, simply because they find a man drinking beer in his car, and after finding out that the beer was bought from such-and-such a shop, say the man who sold the beer had an off-licence and sold the beer to be consumed, whereas the beer was not consumed on the premises. We know the laws. The law can only be broken if the beer is consumed on the premises. If it was bought and not opened there, but was opened say 50 yards from the premises, that man is drinking the beer in his private place—

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Matano): On a point of order again, Mr. Speaker, is the House not entitled to know the name of the man who was harassed by the police, and when this happened? Mr. Speaker, it is too much; he is still working on it and yet he has not told us when this happened, which policeman did it, and who suffered. I think the public is entitled to know these things, Mr. Speaker.

The Speaker (Mr. Slade): There are, of course, different degrees of substantiation, and the more chapter and verse an hon. Member can give of the kind you describe, the more his account is worth having. It is substantiation of a kind for an hon. Member to say that in a certain place on a certain day which he describes, yesterday I think, at this particular eating place, he has heard the people who live there complaining that this sort of thing is happening. That is a degree of substantiation, though not so valuable as you would like; if he can give any more, then I am sure the House will be very grateful.

Mr. Kago: Mr. Speaker, if my hon. friend, a teacher like myself, requires these facts then I can give them to him.

On the 29th April I was at Bahati; on the following day I went to the law courts and I found people being charged for the same thing. It only happened that I was there and I saw the people being charged who had been in a certain car where they had been drinking their

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beer and far from the premises where they had bought it, and these people had to pay fines ranging from Sh. 300 to Sh. 1,000.

Mr. Speaker, what I would like to say is for heaven's sake if there is any crime, let us not generalize; at least we do not have what is called collective punishment. Let us give punishment where it is warranted, but where it is not I would think we are going outside of what is justice. Instead of doing justice in some cases I think we are doing injustices.

Mr. Speaker, the hon. Khaoya mentioned something about farming. I think here the small farmers, even though the Government speaks from time to time saying it is going to help the farmers, I think the help they are giving is very limited. In particular, what the small farmers grow does not have a market; and if it does, it is one of the worst markets because the money they receive is very little. Money advanced to them is, in many cases, difficult to repay. The Government should really look into this.

Mr. Speaker, I see my time is up. I had other things to say—but because the Assistant Minister decided to disturb me, I beg to support.

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

I must first of all congratulate the President for having given us the outline of what he thinks this country should be. I will start, Mr. Speaker, on the first page of his speech where he mentioned the responsibility of the Members of the National Assembly.

Mr. Speaker, I feel I should disagree with my hon. friend, Mr. Rapondi—Mr. Oginga Odinga—when he talked about this not being a policy. A country cannot be governed by hooligans and undisciplined human beings in the name of the National Assembly. I think they must be responsible, and be people with brains; people who can think, and so forth. If hon. Oginga Odinga says that that is not a policy, then he should tell us what he calls it in Luo language.

Now, Sir, having said that I feel this remark by the President of the Republic is very welcome, I would like to go on. We, here, are the custodians of the public interest in this House and we must be such until that day when some of us may be outvoted or returned again to this House to continue the good job we have been doing in this House. I think it is a very important part of the policy and I disagree entirely with my friend *Jaramogi*.

The other thing, Mr. Speaker, is that I must thank the hon. Members—and indeed the Chair of this House—for the work they have done during the time they have been in this House right from 1963. I agree with the President when he said that we are now more mature and there should be less automatic condemnation, baseless sometimes, in this House. I agree with this. We have improved a great deal and our standard of debate is one of the most polished in Africa. I have met many friends who have attended debates in this House and they speak very highly of our National Assembly, and indeed of the Chair here. If I may blow our trumpet, Mr. Speaker, we are almost second to none in East and Central Africa. Therefore, we are really carrying out the job we are brought here to do. The Members should have the credit, and the Chair also.

Now, Sir, the other thing I would like to say is in connexion with paragraph three, and I quote:—

“In a House now sufficiently experienced, there should be fewer parochial attitudes, far less automatic condemnation . . .”.

At the same time, Mr. Speaker, having accepted that, I think it is time the Ministers accepted that we are elected representatives of the people and what we utter in this House, particularly some of us who do our homework, should not all the time be brushed aside as lies, or untrue and so on. At the moment, every time when one makes a statement here a Minister is on his feet to defend the civil servants even if the civil servant is wrong. This is a wrong policy as far as the Front Bench is concerned, it is the wrong policy for them to jump to their feet when they are not prepared to do their homework, and are depending on the civil servants and are prepared to come and tell us untruths sometimes just in defence of the civil servants. In substantiation to that effect, Mr. Speaker, when we raise matters here, they say they are untrue and that they never happened and so on, and when we have Select Committees the Government then agrees it was true. Is this not proof that they are only out to defend the civil servants even when they are wrong. It is very, very unfortunate—

The Speaker (Mr. Slade): Mr. Shikuku, I do not think it is proof that there have ever been any deliberate untruths on the part of Government. In fact, it would be wrong to allege deliberate untruths on the part of any Member. What has been established in certain cases, indeed, is that the Government has been misled, but that is rather a different thing.

Mr. Shikuku: Mr. Speaker, that is a diplomatic way of putting it, that the Government has been misled.

Before they reply to any question they should be informed. As a matter of fact where the Government is being misled in that when an officer makes a mistake, a Minister does not take any time but only rings, and the person who made the mistake is the very one again who writes an explanation in his own defence. When we institute an investigation through a Select Committee, we find the truth. This is not the point at which the Ministers should all the time jump up and say that whatever we have said is not true. This should be discouraged and they should know that we are responsible people and we have been proved to be responsible people.

The other thing, Mr. Speaker—I would like to go fast because the time is quite short; I am now actually coming to page two of the speech—is about agriculture in this country. Mr. Speaker, a lot was said about agriculture but nothing has been done. We have complained. This is the backbone of our economy, but the Government does not appear to be doing much about it. It is not enough to talk about agriculture. We must look at the way we should develop our country. Maize, for example, Mr. Speaker, if I may quote because I am a maize grower and I come from a maize growing area, how is it that so much maize is rotting whereas if you go to Machakos you will find that a bag of maize which is costing Sh. 71 in the Western Province is being sold at about Sh. 21. In Kano Plains a bag of maize it is being sold for Sh. 45, yet it is only about 29 miles from Kakamega. This shows clearly that the Ministry of Agriculture is not organized and is not doing anything to find out what is happening. They say the price must go down because there is too much maize, yet in a small distance of 29 miles it is Sh. 45 and in Butere it is only about Sh. 19. In Kano it is Sh. 45, in Machakos it is Sh. 71. This is very interesting, Mr. Speaker.

There is a failure in the organization of markets for our crops and there is a failure also in imagination, and I do not know who is planning, but that person should find by-products from our maize. There are so many by-products which you can get from maize, starch, you can have breakfast foods and all sorts of things. Nobody is taking the trouble to look into the diversification of this crop at all. The Government says that the price has gone down. If some of us in Government are very tired then they should retire and we will take over.

Mr. Speaker, this will not be for very long; it is just next year and some of them will never see this House again and we will have to help this country.

Mr. Speaker, I am now coming to the question of Africanization. This, Mr. Speaker, I agree with what the President said, but I am of the opinion that the civil servants, in particular are a stumbling block in Africanization itself. There are some of them who are in high positions who do not like to see any Africans near them, but are very happy when they have the expatriates around them because they are inefficient. I hope the Select Committee, when we talk about this, the Members will be informed and I will give them more material, and I have done my homework for six months and I will really give them a good go, but we are not happy so far as Africanization is concerned. Even the Ministers themselves, their secretaries are still expatriates, and we will have to look into that.

The other point, Mr. Speaker, is about unemployment in this country. I think a policy must be laid down by this Government on how they are going to combat unemployment. This is a thing we would like to be told, To talk about unemployment alone and not lay down a policy as to how we are going to combat unemployment is not enough. There are too many hungry mouths around us and I think this is very dangerous. At the same time, the fact that an enormous amount of wealth is being amassed by a few people in this country, makes the situation more serious.

Mr. Speaker, those who think they can amass wealth in this country, and think they will be happy and can send their children to the former European schools, and that they can get a fleet of buses, or a fleet of taxis, buy big buildings left and right, big Mercedes, this is a dangerous situation. So long as there are so many hungry mouths in this country, and there are only a few people, be they in the Opposition or the Government, who are amassing wealth, they will live to forego all, and probably, it has happened elsewhere, where there has been a war between the haves and the have-nots, and many of the big men had their bellies torn open.

I say this, Mr. Speaker—not threatening anybody—because I am a Kenya citizen and would like to have Kenya as a happy place to live in. You can never have a happy place to live in so long as the few people amass almost all the wealth in this country when there are some people who do not even see ten cents in a month. This is a dangerous situation and we must believe in

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the policy of live and let live. We must believe in the real African Socialism and not in theory and in newspapers, but where we are prepared to sacrifice some of our income to get the small man up. The small man must not sit there with his mouth open and expect things to be dropped in but he must work. If he does not work, then I think the policy must be changed whereby the lazy who have learned to do something are sitting back just waiting for something from hon. Matano to drink or eat. These people must be caned and

made to work so that they do not cane us in the long run. If we do not cane them they will cane us.

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

ADJOURNMENT

The Speaker (Mr. Slade): Hon. Members, this clock is slow and it is, in fact, time for interruption of business; so the House is now adjourned until tomorrow, Thursday, 22nd May, at 2.30 p.m.

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

Thursday, 22nd May 1969

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

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 57

OUTCOME OF INQUIRY INTO BUS SHOOTING INCIDENT

The Speaker (Mr. Slade): Mr. Wanjagi not here? We will leave his Question.

Next Question.

Question No. 48

MEMORIAL STATUE TO THE LATE C. M. G. ARGWINGS-KODHEK

Mr. Munyi asked the Minister of State, President's Office if he could tell the House what plans there were to build a statue in memory of the late great Kenya son, the hon. Argwings-Kodhek; and were there any roads going to be named after him in Kenya's main towns.

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

There are no plans at this moment, but this does not rule out the possibility in the future.

As to the second question: the naming of roads and streets in any town is the sole responsibility of the respective local authorities, and the Government has no objection if any local authorities have such an idea in mind.

Mr. Munyi: Mr. Speaker, Sir, arising from that good answer, and arising from the fact that the Government has no objection, if, for instance, today a county council, either in Embu, Kisumu or any other district, agrees to name a certain road in honour of the late Argwings-Kodhek, then will the Government assist such county council in various fields, especially in the field of finance?

Mr. M. Koinange: Mr. Speaker, Sir, the question of naming the streets already in existence does not necessarily imply that money would be involved, and any such county should approach its respective Member and particularly the Minister for Local Government, and then if there is any difficulty he will inform the Government.

Mr. Mwithaga: Mr. Speaker, Sir, would the Minister agree with me that at times there are questions which are very embarrassing in view of

the fact that it is wrong to speak ill of the dead and that they need replies in confidence rather than bringing them to the House?

Mr. Koinange: Mr. Speaker, Sir, I could not get his point.

The Speaker (Mr. Slade): The hon. Member was suggesting that questions of this kind are rather embarrassing for the House and they are better dealt with outside, and he is asking you to agree with him.

Mr. M. Koinange: Well, yes.

The Speaker (Mr. Slade): Next question.

Question No. 18

GRADE CATTLE DEATHS, BUNGOMA

Mr. Khaoya asked the Minister for Agriculture if he would tell the House what the Ministry was planning, in view of the large number of grade cattle which had been given to farmers by way of loan and which had died in the Bungoma District, to combat this discouraging situation.

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

The chief cause of death in grade cattle has been tick-borne diseases, the principle one being East Coast Fever. The disease has no curative treatment and can only be controlled by applying a prophylactic to livestock through dipping or spraying.

The Ministry has no funds with which to construct Government dips; the funds which are available for aid in self-help dips are channelled through the Ministry of Co-operatives and Social Services.

It must be pointed out that those funds have to be divided to aid not only self-help dips in Bungoma, but other self-help projects in other parts of the country. The Ministry, nonetheless, will be happy to give, and it does give, advice to individual plot-holders on proper methods of dip control and spray. It is needless to say that where this advice has been heeded losses have been minimized to a considerable extent. It is hoped that the farmers will take technical advice more seriously to save the lives of the grade cattle.

The A.D.C. Cattle Cleansing By-laws of Elgon Nyanza 1961, have lapsed and unless re-enacted are defunct, although 25 spray crushes and five dips are owned by the county council they are often not supplied with enough spraying materials.

Mr. Khaoya: Mr. Speaker, Sir, arising from the reply from the Assistant Minister and in view of the fact that in some cases a farmer who got a loan of up to, say, Sh. 22,000 worth of animals has had all his stock wiped out by this disease, surely can the Ministry not arrange that in future, before actually giving a loan to a farmer for the purposes of buying grade cattle, they insist that spraying facilities are there before the loans are given? Otherwise how are we going to repay these loans?

Mr. Murgor: Mr. Speaker, Sir, I quite agree with the hon. Member that we should not be giving these loans unless we are satisfied that the actual spraying and all facilities are ready.

Mr. Barasa: Mr. Speaker, Sir, now since grade cattle diseases are really spreading in Bungoma and we do not have these dips and the people are now having their own self-help schemes and are digging their own dips so that the Government will help them, and we have about 12 dips now on this self-help scheme, what is the Government doing to help these people in Bungoma so that they do not lose their grade cattle any more?

Mr. Murgor: Mr. Speaker, Sir, as far as self-help dips are concerned, as I have said, all the assistant aid which is available at the moment—just a small bit—can only be given to a few; we cannot give aid to all the self-help dips. All the money is channelled through the Ministry of Co-operatives and Social Services and I am sure the Ministry has been doing its best to try and spread this money throughout the country and not just to one district.

Mr. Kebaso: Mr. Speaker, Sir, in view of the fact that any Government money stolen is always written off, and since the cattle sold to farmers are Government property, why is it not possible—if these cattle cannot be replaced by Government—for these loans, being loans to the farmers, to be written off?

The Speaker (Mr. Slade): That is another question and it is, in fact, the subject of a question which Mr. Kebaso has put in and will be answered in a few days' time no doubt.

Next Question.

Question No. 38

DONATION OF CUPS AND TROPHIES FOR FARMERS

Mr. Mbogoh asked the Minister for Agriculture if the Minister would establish National and District Farming Trophies to be awarded to the best farmers of the year at the Agricultural Society of Kenya shows in recognition of His Excellency the President's call of going

back to the land; and would he call the National Trophy "Kenyatta Cup" and allow other distinguished leaders in districts to donate cups in their names.

The Assistant Minister for Agriculture (Mr. Murgor): Mr. Speaker, Sir, this question is very long, and we have sent this question in a written form.

The Speaker (Mr. Slade): Very well. Next question.

Question No. 17

FINANCIAL ADVISER FOR BUNGOMA COUNTY COUNCIL

Mr. Khaoya asked the Minister for Local Government if, in view of the financial difficulties the Bungoma County Council has undergone recently, the Minister would consider seconding a financial adviser there for a period of two years.

The Assistant Minister for Local Government (Mr. Njiiri): Mr. Speaker, Sir, I beg to reply. It is not possible, due to the shortage of senior financial officers, for my Ministry, at present, to second a financial adviser solely to Bungoma County Council.

However, Mr. Speaker, there is a Provincial Local Government Financial Officer for the Western Province and he is stationed at Kakamega. His advice is available to Bungoma County Council just as is the case to the rest of the county councils in the province.

In addition I have already seconded two officers with effect from the 12th of this month to this council in order to assist it in its accounts and budgetary control.

Mr. Khaoya: Mr. Speaker, in thanking the Assistant Minister for that, may I know the calibre of the officers he has sent since it appears that they are not financial advisers, and whether he can allow them to stay there for two years so that we can clear the financial mess which has been prevalent there for some years.

Mr. Njiiri: Mr. Speaker, as I have already told the hon. Member, my Ministry cannot afford to have financial advisers there, but we have two already just to assist in accounts and budgetary control. It may take a couple of months, we do not know how long it will take them to be able to do it, but they will not be there permanently.

Mr. Godia: Mr. Speaker, Sir, will the Assistant Minister tell the House how long these two officers are going to stay in Bungoma to assist in averting the financial difficulties of the county council?

Mr. Njiiri: Mr. Speaker, Sir, I told the hon. Member that as soon as they finish the accounts and the budgetary control; as soon as they finish they will leave there. I do not know how soon.

The Speaker (Mr. Slade): Next question.

Question No. 42

COUNTY COUNCILS' BOUNDARIES

Mr. Nyaberi asked the Minister for Local Government if he would tell the House when a commission to revise areas and boundaries of county councils was likely to start that exercise.

The Assistant Minister for Local Government (Mr. Munoko): Mr. Speaker, Sir, I beg to reply. I propose appointing a review commission to inquire into local government areas, their constitutional boundaries and so on, within the terms of the Sessional Paper No. 12 of 1967 on Local Government, next year.

Mr. Nyaberi: Arising from that answer, Mr. Speaker, and in view of the fact that some of these constituencies are nearly unproportional, will the Assistant Minister now tell the House how soon next year, what month of the year, because next year might not come?

Mr. Munoko: Mr. Speaker, as soon as the population census figures are available.

Question No. 31

EXTENSION OF ELECTRICITY SUPPLIES TO LURAMBI SOUTH

Mr. Tsalwa asked the Minister for Power and Communications if he would tell the House whether he would consider extending electric supplies to Shikoti Boys' and Girls' Primary Schools, the Catholic Mission Centre, Ingotse Market, Ingotse Secondary School, and Navakhola Chief's Camp and Health Centre in Lurambi South.

The Minister for Power and Communications (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply. I would like to inform the hon. Member that Kakamega Township is near some of the places which have been mentioned in the question and, as he is aware, Kakamega has already been supplied with electricity. I would, therefore request the hon. Member to advise the people around Kakamega, including those institutions mentioned in the question, to apply in the normal way to the East African Power and Lighting Company and they will be advised as to the terms and conditions of supplying electricity to these schools, and to other people who may be interested as consumers.

I have only one observation to make and that is in relation to Navakhola; a place which I am informed is over seven miles from Kakamega. There will be some difficulty in extending the supply line to Navakhola unless there is a good number of consumers to justify the installation of the line.

Mr. Tsalwa: Mr. Speaker, Sir, whilst appreciating the answer the hon. Minister has given to my question, I would like to know whether all the places are included. In my question as regards the supply of electricity to these places, Navakhola remains out at a distance of one and half miles from Chevuyusi Secondary School which is included in my question.

Mr. Nyamweya: Mr. Speaker, Sir, in that case the matter becomes much simpler in the sense that if the supply transmission line is going to be built through a number of institutions to Navakhola, then all these institutions may share the cost of installing the transmission line. That is why, perhaps if the hon. Member is anxious to help this area, a formula could be worked out to supply electricity to the area he has referred to.

Mr. Makone: Mr. Speaker, Sir, arising from the earlier—

The Minister for Health (Mr. Otiende): On a point of correction, Mr. Speaker, Sir, I heard the questioner talk about Chevuyusi School. I do not think Chevuyusi School is in the question and therefore the answer given by the Minister does not apply to this question because Chevuyusi and Navakhola are 20 miles away from Kakamega. I would like to get clarification. These places are 20 miles away from Kakamega, not seven.

The Speaker (Mr. Slade): I do not think you have really a point of order Mr. Otiende. I think we must go on with this question.

Mr. Makone: Mr. Speaker Sir, the Minister talks of asking the Member to advise the people to apply for the electricity supply but is he not aware that the more formal way of making the application is through this kind of questions rather than people making an individual application, and therefore the question of whether the people should apply, or not, does not arise because the Member has asked the Minister to look into the possibility?

Mr. Nyamweya: Mr. Speaker, Sir, I agree that one of the ways the Ministry can assess the demand for the supply of electricity is through a Parliamentary question. This stage has already been done and is now over. It was done when the Government supplied or decided to supply

[**Mr. Nyamweya**] electricity from the nearest centre, but the Ministry cannot really go down to make applications for all the consumers just as I cannot, or my Ministry cannot, apply for electricity to be installed in the house of the hon. Member, in Nairobi.

Question No. 43

ABOLITION OF DISTRICT COMMITTEE FOR SOTIK SETTLEMENT SCHEME

Mr. Nyaberi asked the Minister for Lands and Settlement if he would tell the House—

(a) why he had dissolved the district committee which had hitherto been approving applications for allocating some land plots in the Sotik Settlement Schemes; and

(b) why the officers in the new committee, which the Minister had appointed were forcing the Kisii members of that very committee to approve applications from non-Kisii people.

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, I beg to reply.

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, I beg to reply. As far as I am aware, the district selection committee which was formed in 1965 has not been dissolved. It is still carrying out its functions of allocating plots.

I, as the Minister, do not influence the district selection committee in any way. The committee selects applicants in accordance with the policy and the criteria laid down in a circular circulated to provincial commissioners and district commissioners by my Ministry in September 1965.

Mr. Nyaberi: Mr. Speaker, Sir, arising from that answer, is the Minister aware that early this year the District Commissioner of Kisii suspended this selection committee and appointed his own committee which, in fact, made allocation of plots in the Sotik Settlement Scheme in Kisii? This committee was constituted of Government officers and the committee which the Minister is now telling the House about was completely suspended by the district commissioner. Is the Minister aware of that?

Mr. Angaine: Mr. Speaker, Sir, the Minister is not aware of that. I am the only person to appoint selection committees and not the district commissioner because the district commissioner was appointed by me as the chairman of the selection committee.

Mr. Omweri: Mr. Speaker, Sir, arising from that last reply from the hon. Minister that he is the only one who appoints the selection committees and since there has been an allocation of land

by a committee which is illegal according to him, will he make a suspension of this allocation and invite the former committee which he appointed to do proper allocation of this land?

Mr. Angaine: Mr. Speaker, Sir, I do not know how true the allegation is but I know that in my selection committees, the district commissioner is the chairman, the agricultural officer is a member of the committee, the veterinary officer is another member of the committee as is the senior settlement officer, with one man appointed by the provincial advisory committee, and two people appointed by the public.

Mr. Kebaso: Mr. Speaker, am I right, if you gave me permission to give some information to the House about this question of plots?

An hon. Member: Are you a Member of that place?

Mr. Kebaso: I am the Member for Borabu where this matter happened. If you can allow me, Mr. Speaker, I can give proper information to the House about this allegation made by the Member. May I have your permission to give information to the House about the allegation made against the Minister and the Government. Can a Member—

The Speaker (Mr. Slade): No. Order! Hon. Members cannot give information in the course of question time, other than the Minister answering the question.

Mr. Kamau: On a point of order Mr. Speaker, Sir, if I understood you correctly, could the Minister answer the question from the hon. Omweri? The Minister said that it is solely his duty to appoint the committee and the question from the hon. Member was: "Will you go and find out whether it is true that this committee—will you go and nullify their resolutions if the land has been allocated by the wrong committee—"

The Speaker (Mr. Slade): Order! Order! Mr. Kamau, the fact that you do not think the Minister understood the question or answered it properly does not give you a point of order, I am afraid.

Mr. Omweri: Mr. Speaker, Sir, since the Minister is doubting the truth about this other committee calling it an allegation, would he give an assurance to this House that he is going to ask his officers and find out the truth as to why some people had to be picked from Kisii Town, and one from my constituency to go and do this allocation on this particular day and not the people who had the confidence of the public, as he said there should be some representatives of the public on the committee.

Mr. Angaine: Mr. Speaker, Sir, what the district commissioners do is when they doubt an applicant, they usually call people from that particular clan to come and make sure that the applicant is a genuine landless person or not. He has no right whatsoever to select or to vote in the committee meeting and that is how we come to know the genuine landless people because, Mr. Speaker, Sir, it is my experience that many people go to the selection committee and deceive them, saying that they own no land anywhere in Kenya. Sooner or later, Mr. Speaker, Sir, we discover that Mr. X, Y and Z have land elsewhere and that is the purpose of calling some *Wazees* from that particular clan to clarify to the committee that this man is really a genuine landless person.

I think that is what the hon. Member is talking about.

Mr. Kebaso: Mr. Speaker, Sir, is it in order—

The Speaker (Mr. Slade): Mr. Kebaso, it will be in order for you to ask a question as to whether the Minister is aware of certain facts. That will be different from interrupting.

Mr. Kebaso: Well, the question I should like to ask is that the Minister should be aware of this matter, that the district commissioner did suspend the previous committee because they allocated land to the wrong persons. The directions from Government in Nairobi was that 28 squatters should have plots and more plots should have been given to squatters who used to live in Sotik. The committee which was existing denied all those squatters land and allocated that land to themselves. The district commissioner having known this later, had to ask the provincial commissioner to nullify the whole allocation and then appoint a new committee, and this was done from Nairobi through the provincial commissioner. The Minister should not therefore be accused.

Hon. Members: Is he aware? Are you aware?

Mr. Angaine: Mr. Speaker, Sir, the Minister is not aware of that, and this has not been brought to my notice at all but, Mr. Speaker, Sir, I am going to find out how true the allegation is.

The Speaker (Mr. Slade): Next question.

Question No. 25

NUMBER OF DIVORCE SUITS IN 1967/68

Mr. Karungaru asked the Attorney-General if he would tell the House—

- (a) how many suits for divorces or separations were filed in the courts of the Republic of Kenya during 1967/68; and
- (b) who were the majority of applicants by races and what were the main reasons put forward as the cause of divorces or separations.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to reply. Some of the information wanted by the hon. Member is not very easy to obtain, because divorce and separation cases are dealt with by courts all over the country and it will involve looking into all the divorces and separations registered in the whole country. I honestly see no point in getting this information. It is not as if this is a new problem about divorce and separation; it is something that has been happening since man was born. Mr. Speaker, Sir, for those who are married, this is something they must face up to. It is bound to come when you have two human beings, living together, I am told.

I can give a rough figure for 1967/68 and say that there were roughly 130 divorce cases dealt with by the courts in the country, and roughly again, about 57 applications for separation.

Now the other point I am required to say is what the reasons for these cases are. Well, the old, old reasons that are known are: (i) adultery, (ii) desertion, and (iii) cruelty. If you consult the lawyers in this building, they will tell you that these are the well-known grounds for divorce. As for cruelty, this can be either by a husband or by a wife.

Mr. Karungaru: Thanking the Attorney-General for his answer and noting that he has not answered (b) accordingly, because I had asked as to who among the two, either woman or man, does apply for a separation or divorce and I thought the Attorney-General would be in a position to tell this House who are the applicants for the divorce and separation mainly.

Mr. C. Njonjo: No, Mr. Speaker, Sir, I think this is a free country and the people who bring divorce suits can either be men or women because, let us not forget, that a woman is as much entitled to bring a divorce suit as a man.

Hon. Members: No! No! No! No!—

Mr. C. Njonjo: Of course, Mr. Speaker, Sir, I am going to say it again: A woman is as much entitled to bring a divorce suit as a man.

Hon. Members: No! No! No! No—

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

Mr. C. Njonjo: Mr. Speaker, Sir, we have a Constitution in this country, and a woman has as much right as a man.

Mr. Mbogoh: Arising from an early reply from the Attorney-General, will he tell the House, from among the three courses that he mentioned, which was more prevalent among, let us say, Africans, and which was more prevalent among Europeans, non-Africans in general—of the three reasons that you mentioned.

Mr. C. Njonjo: Mr. Speaker, Sir, these grounds know no race, and for the information of this House, the main grounds for divorce in this country is adultery by men—not by women but men.

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

Mr. Oduya: Mr. Speaker, Sir, in view of the fact that Kenya has an ideology called African Socialism and the Attorney-General being aware that we Africans pay for our wives, we buy them, and this is legal because if you do not pay you are taken to court and you have to contribute something to the family of the girl, is he aware, then, trying to tell us that the women who are not actually paying for the men have any right to go to court? Under what system of tradition is this done? Is it the British system or the African system of tradition?

Mr. C. Njonjo: Mr. Speaker, Sir, my answer is based not upon this barbaric custom that some hon. Member would like to refer to in this House. **Mr. Speaker—**

Mr. Omweri: On a point of order, Mr. Speaker, is the word “barbaric” parliamentary?

The Speaker (Mr. Slade): Yes.

Mr. Jahazi: On a point of order, Mr. Speaker, do I understand the Attorney-General to mean that the paying of dowry is barbaric?

The Speaker (Mr. Slade): I do not think that is a point of order, but I would say it was fairly clear.

Mr. C. Njonjo: Mr. Speaker, what I was referring to as barbaric, and I am going to repeat it and I want hon. Members to wait and listen to me, is the custom that the hon. my friend, Mr. Oduya has referred to, of buying women as if they are chattels. I say, Mr. Speaker, that that notion is barbaric and inhuman, and the only point that I was making, Sir, is that the answer is based on the human and reasonable legislation which has been passed by this House.

The Speaker (Mr. Slade): I think we will go on to the next Question now.

NOTICE OF MOTION FOR THE ADJOURNMENT

MATTER OF REPLY TO QUESTION No. 25:
DIVORCE SUITS IN 1967/68

Mr. Ngala-Abok: On a point of order, Mr. Speaker, in view of the fact that the effect of what the Attorney-General has told the nation today may be very serious, as far as African

Socialism and custom is concerned, could I be allowed to raise this matter on adjournment to clear the head of the Attorney-General?

The Speaker (Mr. Slade): Mr. Karungaru?

Mr. Karungaru: Mr. Speaker, Sir, I have no objection whatsoever.

The Speaker (Mr. Slade): Very well. We come to your next Question then.

ORAL ANSWERS TO QUESTIONS

Question No. 26

CASES OF CORRUPTION IN THE PUBLIC SERVICE

Mr. Karungaru asked the Attorney-General how many cases of corruption by members of the public service took place in the Republic for the first half of 1968 and how many of those involved had been convicted.

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

In the first half of 1968, 21 cases of corruption were reported to the police and in ten of these cases convictions were obtained.

Mr. Karungaru: Mr. Speaker, Sir, arising from that reply, and in view of the fact that there were 26 cases of this nature reported to the police and only ten out of 26 had been found guilty and convicted, is the Attorney-General satisfied that corruption and malpractices are not increasing rather than decreasing?

Mr. C. Njonjo: Mr. Speaker, Sir, I will guess the answer and say that I am satisfied that cases of corruption are not on the increase because of the severity of the sentences which are now being meted out by the courts. We have a number of corruption cases, but as I say, the courts are giving deterrent sentences which are reducing the number of these cases.

Mr. Jamal: Mr. Speaker, would the Attorney-General not agree with me that one of the reasons for corruption is the low salary paid to the civil servants? Would he not consider increasing the salary to be in comparison with the job so that there are no cases of corruption?

Mr. C. Njonjo: Mr. Speaker, Sir, I do not agree with the suggestion by the hon. Member. There are quite a number of people who are sometimes involved in corruption cases who are very well placed, very highly paid. Corruption, in fact, is brought about by greed and wanting to cheat.

Mr. G. G. Kariuki: Mr. Speaker, Sir, is the Attorney-General aware that why civil servants are encouraged to carry out these evils of corruption is because they see some leaders of this Government paying more than they earn, more than what they get by way of salary?

Mr. Karungaru: On a point of order, Mr. Speaker, would the hon. Member who has asked that question substantiate beyond any doubt that such a practice as the one he has referred to does exist? Can he substantiate?

The Speaker (Mr. Slade): Mr. Kariuki, I did not hear what your allegation was. Would you repeat what you were suggesting?

Mr. G. G. Kariuki: Mr. Speaker, I am asking the Attorney-General if he agrees that because civil servants are encouraged to carry on these evils is because some leaders are paying more money to self-help groups, more than what they can afford from their salaries.

The Speaker (Mr. Slade): I think that is rather too vague a matter to have to be substantiated.

Question No. 47

PARLIAMENTARY REPRESENTATION FOR WOMEN

Mr. Munyi asked the Attorney-General if he would tell the House, since more than 50 per cent of the people who had a vote in Kenya were women, what Constitutional action the Government would take in future to give fair representation to women in Kenya's Parliament.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to reply. This is a very sensible question which recognizes the position of our womenfolk in this country and which is also something which is written into our Constitution.

Sir, if women think that they are not fairly represented by their hon. Members, I hope that they will take a more active part in the selection of candidates at the next general election to ensure that they are fairly represented. If they do this, it will not be necessary for the Government to take any constitutional action. In fact, I hope that some of our womenfolk will stand, for example, in my friend, hon. Mr. Lubembe's constituency.

Mr. Lubembe: Arising from the Attorney-General's answer, Mr. Speaker, and the unnecessary remark—because I am not sure that he has a wife there—will he agree with me that in order to get these women he is defending to participate in selecting the people to come to Parliament (and, if possible, a woman) is to allow full primary selection to every woman?

Mr. C. Njonjo: If the hon. Member, Mr. Speaker, will approve the legislation for full primaries then, of course, the women will take advantage of those provisions. It is not for me—and let me make this quite clear as I know there is a whispering campaign going on—the

Attorney-General who is going to pass the legislation, it is for this House. I can draft, but drafting does not mean that the legislation is passed in this House. I hope this will kill this whispering campaign which is going on, and if the hon. Member wants to come and help in the drafting, he is most welcome.

Mr. Ochwada: Mr. Speaker, Sir, could the Attorney-General tell the House what are the special interests of women which he would like a woman to come to this House and represent the women, which are not represented by the present Members of Parliament?

Mr. C. Njonjo: Mr. Speaker, Sir, I am quite sure that the hon. Member is not suggesting that he has got all the qualities and all the paraphernalia that a woman has.

The Speaker (Mr. Slade): Next question.

Question No. 5

NON-CITIZENS TRADING IN AFRICAN TRADING AREAS

Mr. Godia asked the Minister for Commerce and Industry if he would tell the House how many non-citizens have been given permits to continue trading in African trading areas.

The Assistant Minister for Commerce and Industry (Mr. ole Oloitipitip): Mr. Speaker, Sir, I beg to reply.

Non-citizens licensed to trade in non-general business areas in 1968: 3,762; non-citizens served with quit notices from trading in non-general business areas: 1,082; those who are supposed to have been licensed in 1969: 2,670.

It should be noted that appeals are continually being heard. The results will definitely affect the position when favourable decisions will be made.

Mr. Godia: Mr. Speaker, Sir, arising out of the satisfactory reply by the Assistant Minister, can he tell the House who constitutes an appeal court to which he referred to in the last part of his answer to the question?

The Speaker (Mr. Slade): Who constitutes the appeal court?

Mr. ole Oloitipitip: Mr. Speaker, Sir, I do not have at the moment the names of those people who are the members of the appeal court, but what I know is that the Minister has appointed the members of the committee and I can give the hon. Member the names of the members and the number any time from now.

Mr. Munyi: Mr. Speaker, Sir, arising from one of the answers, is the Assistant Minister aware that most of the non-citizen traders who have been given permits to trade in African trading

[Mr. Munyi]
areas are trading in items which were prohibited, and it is high time the Ministry took action to evict them from those areas?

Mr. ole Oloittipiti: Mr. Speaker, Sir, I am aware of that, but the hon. Member is also aware that the Ministry is taking drastic action to check on these Asians, or non-citizens, who are trading in those items that are not allowed. For the information of the House, it is not once, but several times, that these people have appeared in the courts for doing this.

Mr. Shikuku: Arising from that reply, Mr. Speaker, is the Assistant Minister aware that those who have been given quit notices who are non-citizens have been trading very useless things, and the real people to be given quit notices have never been given them, and they are continuing to trade?

Mr. ole Oloittipiti: Mr. Speaker, Sir, I am not aware of that and if the hon. Member is aware of that, that the notices that we have given to people are useless and have not gone to the right people, let him tell us of cases and we will take action.

Mr. Onsando: Mr. Speaker, Sir, arising from the earlier reply that the Minister is taking action against those who are trading in the scheduled goods, can the Assistant Minister give an assurance to this House that if we give him the names he will take action, because I have pointed out one case to the Ministry and so far no action has been taken?

Mr. ole Oloittipiti: Mr. Speaker, Sir, I have already said that we are taking action against those people who break the law of this country in trading with goods that they are not permitted to trade with, and if the hon. Member could give me the names of these people and he is sure that they are trading with these goods, we will take action straightaway.

The Speaker (Mr. Slade): Next question.

Question No. 6

1969, SALARIES AND EQUIPMENT ESTIMATES

Mr. Godia: Mr. Speaker, Sir, with your permission, I beg to withdraw Question No. 6.

The Speaker (Mr. Slade): Very well. Next question.

Question No. 32

STUDENTS BENEFITING FROM KENYATTA FOUNDATION FUND

Mr. Tsalwa asked the Minister for Education if he would tell the House the provincial breakdown of students who had benefited from the Kenyatta Foundation Fund.

The Minister for Education (Dr. Kiano): Mr. Speaker, Sir, I beg to reply. The 1968 scholarships from the Jomo Kenyatta Foundation were allocated as follows:—

| | | |
|------------------------|-------|----|
| Central Province | | 17 |
| Coast Province | | 9 |
| Eastern Province | | 14 |
| Nairobi | | 10 |
| Nyanza Province | | 13 |
| Rift Valley Province | | 16 |
| Western Province | | 13 |
| North-Eastern Province | | 4 |

That will make a total of 96. There were four other scholarships that were given on a national basis and were given to the best qualified students, irrespective of the province from which they came.

With regard to 1969, Sir, I am happy and grateful to the Jomo Kenyatta Foundation that we are getting an additional 125 and we are still processing those.

Mr. Tsalwa: Mr. Speaker, Sir, will the Minister for Education tell the House on what proportion was this divided?

Dr. Kiano: Mr. Speaker, Sir, of course one of the most important things to keep in mind is the number of high school students in each of these provinces; of course, some provinces have far less school pupils than other provinces. Additionally, we look into the academic achievements of the people concerned and the ability or otherwise of the parents to meet the expenses of secondary schools.

Mr. Onsando: Mr. Speaker, Sir, in view of the fact that these scholarships are not given immediately, could the Minister give an assurance to the House that he will instruct the headmasters or mistresses of schools where the students who get scholarships are that they should not send these pupils away because they are assured of getting these scholarships?

Dr. Kiano: Mr. Speaker, Sir, I am not too sure I understood what the hon. Member was saying. However, if we are processing and we have not come to the final list, it is difficult to tell the headmaster which pupil will get a scholarship and which pupil will not get a scholarship.

The Speaker (Mr. Slade): Let us go back now to Mr. Wanjagi's question.

Question No. 57

OUTCOME OF INQUIRY INTO BUS SHOOTING INCIDENT

Mr. Wanjagi asked the Vice-President and Minister for Home Affairs if, further to his Question No. 267 of 2nd March 1967, on a

[Mr. Wanjagi]

bus shooting incident on 19th December 1966, the Minister would tell the House the outcome of the inquiry.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Matano): Mr. Speaker, Sir, I beg to reply. The case involving a bus shooting incident on the 19th December 1966, has now been closed. Although the constable who opened fire to stop the bus honestly believed that his action was correct, on inquiry it was found that he should not have resorted to the use of a firearm at all. Disciplinary action was taken against him and the owner of the bus was paid an agreed compensation and the matter closed.

Mr. Wanjagi: Mr. Speaker, Sir, would the Assistant Minister tell the House how much was the bus owner compensated and who did it and when?

Mr. Matano: Mr. Speaker, Sir, the owner claimed Sh. 4,950/35 but then after negotiation and talking to the man, in the end he agreed to accept Sh. 2,778/35, which was paid as full and final payment.

Mr. Wanjagi: Mr. Speaker, Sir, since the Government admits that the shooting was the mistake of the *askari* who did the shooting and he fired at the bus when it was coming towards him because the engine was shot and not the rear of the bus, what assurance would the Ministry give us that in future this kind of thing will not happen?

Mr. Matano: Mr. Speaker, Sir, I have already said that disciplinary action was taken against this man and, of course, we have very strict orders on firearms and everybody who is carrying a firearm—whether he is a policeman or an administrative police—has strict instructions as to when and how to use that firearm, and they know the consequences if they misuse it.

QUESTION BY PRIVATE NOTICE

CAUSES OF INCIDENT AT NYABOGI, FAZA DIVISION

Mr. Somo: Mr. Speaker, Sir, I beg to ask a Question by Private Notice of the Minister of State, President's Office.

What were the causes of the—

Mr. Abubakar-Madhbuti: On a point of order, Mr. Speaker, is it in order for the Member to ask a question in my area?

The Speaker (Mr. Slade): It is in order.

Mr. Somo: Mr. Speaker, Sir, for the information of the hon. Member I used to be a member of the district.

The Speaker (Mr. Slade): Just ask the question.

Mr. Somo: Mr. Speaker, Sir, I beg to ask this Question by Private Notice.

What were the causes of the incident at Nyabogi in Faza Division on Saturday, the 17th May 1969, when one resident was killed and one administrative policeman was injured?

Why was it necessary for the administrative police to use firearms?

The Minister for Power and Communications (Mr. Nyamweya): Mr. Speaker, Sir, on behalf of my colleague, the Minister of State, I beg to reply. This is a serious and unfortunate incident. It occurred on the 17th May, just about five days ago, and the Government is, at the moment, investigating the causes of this incident. I think it would be premature at this stage to say anything while the investigations are going on, as whatever may be said will prejudice the investigation.

The Government, as well as the hon. Member from the area, will carry out the investigations necessary and eventually report to the House as to what were the causes and any action taken.

Mr. Somo: Mr. Speaker, Sir, I thank the hon. Minister for his reply. The information I have, Sir, is that it was a land dispute. However, if he cannot answer the first part of the question, may I appeal to him to answer the second part.

Mr. Nyamweya: Mr. Speaker, I do not see how the second part can be separated from the first part. The incident was an incident involving the officer mentioned in the second part of the question and this is what is under investigation.

Mr. Obok: Arising from the hon. Minister's reply, Sir, could the Minister tell the House when this question reached his office because he is, at this stage, not in a position to give us the information we want? When did the question reach your office?

Mr. Nyamweya: Mr. Speaker, Sir, with due respect to the hon. Member from Alego, the time when the parliamentary question reached the Office of the President is not as important as the reply to the question itself.

The Speaker (Mr. Slade): I think what the hon. Member means, is that although Standing Orders require a Question by Private Notice to be on the Order Paper within two days for reply, the actual reply may not be available by that date, and if this is so it is in order for the Minister to say so.

Mr. Somo: Mr. Speaker, Sir, would the Minister tell this House how long will this investigation take so that we have the reply in this House?

Mr. Nyamweya: Mr. Speaker, Sir, I appreciate the interest which the hon. Member is showing in this matter, but I would like also to inform him that a high-ranking police officer with the Member from the area, the hon. Abubakar-Madhubuti, are going to this place this evening in order to have an on-the-spot investigation.

The Speaker (Mr. Slade): Order. We will go on with the next business now.

BILLS

First Readings

THE AFRICAN ASSURANCE AND PROVIDENT CORPORATION LIMITED BILL

THE AFFILIATION (REPEAL) BILL

THE ENGINEERS REGISTRATION BILL

(Orders for First Readings read—Read the First Time—Ordered to be read the Second Time tomorrow)

MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

THAT, the thanks of this House be recorded for the exposition of public policy contained in His Excellency's Presidential Address from the Chair on 20th May 1969.

(The Vice-President and Minister for Home Affairs on 21st May 1969)

(Resumption of debate interrupted on 21st May 1969) (Second Day)

Mr. Pandya: Mr. Speaker, Sir, on the Order Paper, Order No. 8, I see that it says "(Presidential Address 2nd Day)". If I understand the Standing Orders correctly, yesterday was not a full day on the Presidential Address and today is the first day. I would like to seek your guidance, Mr. Speaker, on that.

The Speaker (Mr. Slade): That is a fair point, but when a resolution is passed by the House for the limitation of a period of debate for a certain number of days, a "day" is not specifically defined for that purpose, though it is specifically defined for Supply days and for certain other purposes. However, on this particular occasion there is no particular definition of "day" and so I fear—for those who would like longer—that any part of a day, counts as a day for the purposes of this resolution.

The Assistant Minister for Commerce and Industry (Mr. Ole Oloitipiti): Mr. Speaker, Sir, thank you very much for giving me this chance to air my views on this very important document and on this very important speech His Excellency, the President of the Republic, gave.

Mr. Speaker, Sir, everything written in this document, in the speech of His Excellency the

President, I agree with fully. The speech is a wonderful speech: I call it wonderful, Mr. Speaker, Sir, because it contains the whole proof of the day-to-day functions of our own Government. Mr. Speaker, Sir, I know that a lot has been said on this, and I am only going to be very brief because I would like to air my views today.

Mr. Speaker, Sir, coming to page 2 while I am agreeing with the whole paper, Mr. Speaker, Sir, I would like to say that it has been mentioned by the President that in August this year, we are going to have a full population census. Mr. Speaker, Sir, this is very good indeed. It is very good because it is time for our people will come forward to be counted so that we know for sure how many people we have in the country. So that we know what is our population in the country. Mr. Speaker, Sir, I would like to touch on this point because I understand before the census is done in the country, we are not going to be able to allocate seats of the National Assembly.

I would appeal to all members of the public to come forward to be counted so that those people who will be sitting to consider the allocation of seats in the country, Mr. Speaker, will be able to calculate according to the population of the country. I appeal especially to my own people, the Masai, because it used to be the practice in the past, Mr. Speaker, that when our people were told they were being counted, they thought that it was a bad thing for them and that is why last time, Mr. Speaker, Sir, our numbers were slightly less. This time, Mr. Speaker, Sir, I think they will realize the importance of coming forward to be counted so that the allocation of seats will be given fairly.

Mr. Speaker, Sir, it applies to most of the nomadic tribes in the country, like the Samburu, Turkana, the Masai and the Baringo people; also the Elgeyo-Marakwet. Mr. Speaker, Sir, I appeal to these Hamite tribes of mine that it is high time that when the census is carried out, they come forward in full force to be counted.

Mr. Speaker, Sir, after this, I would also ask those gentlemen on the committee of allocation of Parliamentary Seats to consider this time and I appeal to the Attorney-General especially, to consider very favourably the cases of allocation of seats this time. Mr. Speaker, Sir, for example, I, at the beginning, used to be a Member for Kajiado District as a whole; and you know the size of the area is 10,000 square miles, surely, no one can cover or can come forward and say I can represent an entire population covering 10,000 square miles and pretend to be a good representative. Mr. Speaker, Sir, my point in touching this, is so that when people are counted, the size of the district is also taken into account.

[Mr. ole Oloitipitip]

Mr. Speaker, Sir, yesterday, His Excellency the President congratulated us, the people of Kajiado District, for coming forward and contributing a lot of cattle to the country. We are sending a lot of cattle to the Kenya Meat Commission to help to feed the entire population of Kenya. Therefore, Mr. Speaker, Sir, I would also suggest that it is not only the human population that is to be taken into account, also the cattle population is very necessary. Mr. Speaker, Sir, I appeal to the committee which will be sitting to consider the allocation of Parliamentary Seats this time to consider the cattle of the district; the cattle population, and also the human population. Mr. Speaker, Sir—

The Speaker (Mr. Slade): You must get the Constitution altered before the cattle can be taken into account.

The Assistant Minister for Commerce and Industry (Mr. ole Oloitipitip): Mr. Speaker, Sir, coming to the other point on page 2, I should congratulate the Government and the Ministry of Agriculture for their ability in getting in touch with the World Bank. Mr. Speaker, Sir, I understand that they have already brought £4.6 million into the country, and this is a lot of money. This is meant especially to develop livestock and also to develop ranches in the country; to buy the stock, fatten, and sell them to Kenya Meat Commission. This money, £4.6 million, it is also meant for water projects. This, Mr. Speaker, is a very good step and they have approached the International Development Authority for assistance. I hope that this money will not be concentrated only in one particular district, but it will go to all needy districts in the country, so that those who have cattle can develop their cattle; those who are thirsty, who have no water, can also get water; and those ranchers like myself, who would like to purchase more stock and to fatten them for the benefit of the country can do so, Mr. Speaker. Therefore, I feel that I must congratulate the Minister for Agriculture and the Government as a whole for this ability in obtaining all this money.

Thirdly, Mr. Speaker, Sir, there is only one appeal that I would make to the Ministry of Agriculture. Today, Mr. Speaker, Sir, you find that in most areas of the Republic there is a lot of Foot-and-Mouth disease and this hinders us from selling our cattle. We have tried all we can to see that we inoculate our cattle against this dangerous disease—Foot-and-Mouth disease. The inoculation they have, the vaccine they have, Mr. Speaker, Sir, in the Veterinary Department, is very expensive. One has to pay a lot of money—formerly it used to be Sh. 7 per bottle,

Mr. Speaker—but now I am told that it has been reduced to Sh. 3/50. Mr. Speaker, Sir, for an ordinary man who does not have all that cash, I think this is a considerable amount. I would appeal to the Government to try and see that we reduce the price of this Foot-and-Mouth vaccine. Mr. Speaker, Sir, I am told that it is very expensive, but I am also surprised as to why it is so expensive because this vaccine is manufactured here in Kenya. It does not come from abroad; it is manufactured in Kabete here; the cattle they are using to get the vaccine from are here; all the apparatus is here, but still, we find it is still very expensive. Mr. Speaker, Sir, the Government must subsidize this, so that the ordinary farmer, can inoculate his cattle against Foot-and-Mouth disease, because I can see that we have really tried to eradicate most of the cattle diseases, for example, Anthrax, Black Quarter, Rinderpest. All these diseases are done away with, or nearly all of them are gone. But this Foot-and-Mouth disease, type A and type O, is still in the country. Mr. Speaker, I think that most of the outlying districts cannot supply their cattle to the Kenya Meat Commission, because all districts in Kenya or nearly all, are under quarantine restrictions. As soon as we can get the price lowered for the Foot-and-Mouth disease vaccines, then the ordinary farmer will be able to buy it, just as he buys Black Quarter or Anthrax vaccine.

Mr. Speaker, Sir, I would therefore like to appeal to the Government to do this. The other important point Mr. Speaker, although my time is running out—

The Speaker (Mr. Slade): And it has run out without any question.

An hon. Member: Look at the light!

The Speaker (Mr. Slade): Order!

An hon. Member: Five minutes has gone.

The Speaker (Mr. Slade): You did not see the amber light come on five minutes ago. You have had ten.

Mr. Ondiek-Chillo: Thank you very much Mr. Speaker. First of all I would like to begin by saying that, yesterday, when some Members were speaking, and touched on something to do with the Gem election, I did not agree with them when saying that the candidate who was actually a Kanu candidate was the wrong one, because, when Kanu carried out their election, the whole thing went off very well. The Chairman and the Vice-President of Kanu were there, and during the election, which, the hon. Member, Mr. Sagini, the hon. Member for Kitutu West, a

[Mr. Ondiek-Chillo]

very capable Minister, attended, the Ministers were sent there. What I would agree with the hon. Member was that the elections were carried out democratically and there was no rigging. This I could agree with very well. This is where I could call upon them to congratulate the Government for having carried out this election so well that there was no rigging. Everything went on very well. The Kanu candidate was very nicely defeated, and lost his deposit. There is no question about that.

Hon. Members: How much?

Mr. Ondiek-Chillo: This was a nice defeat, because there was no rigging. Always when votes are rigged for the Kanu members, they come out to us saying that they have been voted in. This was not the case. Here, there was a clear case.

Anyway, what I wanted to tell these Members was that this was the best candidate that Kanu could get and this is the best candidate they put forward, to challenge our candidate. There is no question actually of crying over spilt milk. Now, if the candidate is defeated, he is defeated. There is no question of saying that the people there should enjoy their little corner. These are nothing but funny words, which the President said. What his allegations were implying was that some Members in this House make very wild allegations, which are baseless. I think Members who are making such baseless allegations, as the one I heard yesterday, should follow what the President told them on Tuesday.

Mr. Speaker, Sir, I feel that by saying that the Kanu candidate was imposed, is actually implying that somebody put him in. This is because, if these Members are loyal to their party, and to the President of the party, then they should believe in what was done.

The other thing I would like to say, Mr. Speaker, is that in the Presidential Address, there was no mention about education, which is very serious. For a country to progress well and for the people to be enlightened, since most of our people are illiterate, this particular item should have been mentioned. It is surprising to see some Members praising the Presidential Address saying that it was very good and some people advocating that they be accepted as the representative of cattle and so forth. This is funny, but in the Kanu Manifesto, in 1963, they had promised that there would be free education before their time of office expires. Now, perhaps, it might be that the fear of not mentioning this

is because there is nothing that has been implemented. Therefore, in order to let it pass unnoticed, the President decided not to touch anything to do with education. We should, nevertheless, have a clear policy. Today, one hears that the people of Murang'a want primary education up to Form II level. Then, in other parts of the country, people are very confused. The President should, therefore, have said something about education, as to when free primary education is going to be implemented. But if the Kanu Government remains in power, I do not think there is any hope of having free primary education. They have been defeated, and this must be accepted. However, that was the reason why the President never mentioned anything about it. However, this is very important because, very recently, a delegation from the Kenya National Union of Teachers went to the President and urged him that there is a great need for free education in this country. Mr. Speaker, it would have been very nice if the President has said something about this.

Now, as regards what the Kanu Government has done, roads are terribly poor in the countryside. If you go to the rural areas, you will find that from the time that the House passed a Motion that secondary roads should be maintained by Central Government, all of them are still very much neglected. Nobody cares for them. For the country to pursue civilization, communication must be cared for very carefully. In here, you will find that our roads are so poor, they are much neglected and nobody cares for them. People are tied with ropes because they fail to pay their graduated personal tax. Yet, there are no services done for them. This is a failure which must be accepted. This is one of the things which should be attributed to Kanu's failure in the Gem by-election where they were defeated very badly indeed. We hope to defeat you next year with an overwhelming majority, if you do not implement these things which you promised. What we shall do is only to open a chapter, say, for example, in the Kanu Manifesto, Chapter I, verse 3, where they said they would do this and this. Where is it? In Chapter 3, verse 4, they said this. Where is it? I am bound to believe that you will have nothing to say. Unless, you Members cross and come to us—

The Speaker (Mr. Slade): Order. Address the Chair.

Mr. Ondiek-Chillo: Mr. Speaker, I am actually addressing the Chair and I am very careful.

The Speaker (Mr. Slade): Then, you must not speak to an hon. Member in the second person.

Mr. Ondiek-Chillo: The other thing is about unemployment. I was reading a book or a booklet which was written by Mr. Clement Lubembe who actually made himself an ordinary man and went to the labour office just to see how job-seekers were behaving. He had a conversation with these people throughout the day. From there he learned that most of these crimes which are being carried out violently mainly stem from the fact that people are hungry and have nothing to do. They are therefore tempted to resort to robbery with violence. Mr. Speaker, this question of unemployment is so important that just to say that the President also knows about it and that the Government knows about it also, but ultimately, nothing is done about it, leaves people to question themselves thus: If there is no employment what can we do?

Now, the other thing I would like to say is this. If the country is really a practical, democratic country, then the primary elections which Members seem to be supporting very much, should be explained very clearly. This is because, so far, how this system will be conducted is not known. For example, if the Kanu symbol is a *jogoo* and the Kenya People's Union has a bull, will these be the symbols to be used at the primary elections? Or what symbols will be used? For example, if there are ten Kenya People's Union candidates to contest the primary seats, which symbols will they use? Therefore, according to what the President said here, he warned the Members and said that sometimes they just make wild allegations in ignorance. This is in the same way as they are now supporting the primary elections ignorantly. Mr. Speaker, I feel that before we agree on something—Here I do not want to imply that I do not like primary elections. I have faced so many elections and some of the hon. Members who are talking here only came here in 1963, and they are so much afraid of them. I know that if the President tomorrow says that the life of Parliament be extended once again, they will support him because they fear going to the people.

I am sure, Sir, that soon there will be a Motion here which will be urging the Government to dissolve this House so that fresh elections can be carried out. I wait to see how many Members will support this Motion, this move, if they are actually genuine in saying that they enjoy the mandate of the people.

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

Mr. Munyasia: Mr. Speaker, Sir, before I come to the main topic of what I would like to say, may I correct my personal friend, Mr. Chillo, where he says that we fear Kanu elections and that we agreed on things in ignorance. Some of

us did face elections twice as he knows. Why is he fearing? What we want is for every person to be given an opportunity, the public to be given the chance to elect the person of their choice. Why fear when there is nothing to it?

Mr. Ondiek-Chillo: On a point of order, Mr. Speaker, is the hon. Member not misquoting me by saying that I fear primary elections, whereas I said that I want a clear definition. I did not say I feared them. Is he not actually misquoting me?

The Speaker (Mr. Slade): You are quite right, Mr. Chillo.

You must not misrepresent what the hon. Member said, Mr. Munyasia.

Mr. Munyasia: Mr. Speaker, I am not misrepresenting him. He went so far as to try and discredit some Members of Parliament saying that they were elected in 1963, and have not gone back to the people. I will now leave that aside.

I will pass the question of primaries to my friend, hon. Muliro, who will hit the nail on the head when he gets the chance to speak.

I want to touch on what the President said here about wisdom in regard to the debates in this Parliament. Although we talked about how to go about primary elections, or the selection of candidates, I think this was a matter for the party, and we did agree on Monday, unanimously, that primaries would be carried out. Full stop. Now, Sir, today and yesterday there is a petition which, I understand, is in circulation. I fail to understand how this same party Kanu, which agreed on Monday to primaries, today—even at this hour—is circulating a paper on this issue. Mr. Speaker, I want the House to know that the party, Kanu—

Mr. Ngala-Abok: On a point of order, Mr. Speaker, is the Member speaking—Mr. Speaker, Sir, to clarify the position, will the Member speaking substantiate that the paper now going round is refuting the agreement based on the Parliamentary Group meeting held on Monday, on the question of primary elections? Can he substantiate and lay that paper on the Table?

The Speaker (Mr. Slade): Order! Order! If an hon. Member wishes to refer to a paper, he should produce it and lay it on the Table. Then there is no question of substantiating what it contains, since hon. Members can see that for themselves.

Can you produce this paper, Mr. Munyasia?

Mr. Munyasia: With your permission, Mr. Speaker, if you allow me up to four o'clock, I will get the paper from Mr. G. G. Kariuki, and

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other Members I know. This is on the primary elections about which we spoke at the Parliamentary Group meeting last Monday.

Now, Sir, trying to underrate what was the decision of the entire Parliamentary Group—

Mr. Jahazi: That is a wrong accusation and you know it.

Mr. Ngala-Abok: On a point of order, Mr. Speaker, since I believe the hon. Member has said he is going to produce this paper, but has not said when, can he stop debating on that issue until the paper has been produced and laid on the Table?

The Speaker (Mr. Slade): It is an essential rule that if an hon. Member wishes to refer to a document he must produce it and lay it on the Table. We cannot have you discussing this any more until the paper is produced, Mr. Munyasia.

Mr. Munyasia: Mr. Speaker, as I said in the first instance, if you allow me up to four o'clock I will get the document from the Members concerned and lay it on the Table.

Mr. Speaker, Sir, this is one of the confusions within the party, the Kanu Party.

I will leave that aside and come to Gem Location and tell the House exactly what happened there, although I am not a Luo. Sir, the allegation which the hon. Mr. Chillo made stated that Kanu put in the right candidate. That is not true. There was a confusion in the party. This is what I am trying to clear. Before the elections—because we have been reading the papers—there was someone known as Isaac Omolo and there was this fellow known as Rading Omolo. I see that Rading Omolo was not the party candidate because if he was the party candidate, and if the members of the entire Luo Community had no faith in this election, what was the reason for this? Why was this so? Here is a big question mark. I know that we have one party, Kanu, but I say also that we do not agree. I do belong to Kanu and I say that we are entitled to make criticisms. Mr. Speaker, Sir, I say this man was imposed. If the entire Luo Community were given the chance to choose their own man, then I think the KPU would have had no chance. I am sure they admit this.

Furthermore, Mr. Speaker, to make the matter worse about Gem. I understand that the father of one of the Clerks of the National Assembly, Mr. Opundo, whose name is Zakayo Opundo, was dismissed when Mr. Rading Omolo began campaigning. He was the Senior Chief. How, then do we run this country and yet we say we are all together? Why should we complicate things? I

want to say that Zakayo Opundo, the father of the Clerk of the National Assembly went to the meeting where Mr. Rading Omolo was present. Therefore, Sir, I say that we must speak our mind and say, "This is wrong".

Mr. Speaker, during the time when the Leader of the Opposition was Vice-President most of the younger chiefs were dismissed, and yet today the Opposition talks of dismissing other chiefs. At that time, some chiefs whom I know, were dismissed, at the time when the Leader of the Opposition was the Vice-President. Is this the way to run a country? The public are not blind to these things.

If the hon. Members remember their history about the British Parliament, what happened in the early 19th century. The contract for the life of the Parliament was five years. The Members of this Parliament have come here and increased their time to seven years, the life of this Parliament is now seven years. What is the outcome? I would like to tell this House that we increased the life of this Parliament to seven years, and now do we think we will go on forever and ever? If we are not very careful, you know what will be the outcome. This must be watched. Sir, we are speaking for the nation. I am not a party to any individual's opinion. I do not belong to Mr. A or Mr. X. If anybody says I am against this Government, which government does he mean? A government is a government of the people and for the people.

Therefore, the Kanu party must reorganize itself, otherwise it will face a difficult time. Mr. Speaker, you being a wise leader, a leader of us Members when we are in this Chamber. you know— We have a saying in Kikamba that you do not store the eyes of a foreigner but you store the goods. You cannot take the eyes of a foreigner and put them away somewhere and expect him to see.

Mr. Speaker, we can see what is happening. We are members of one party. The members of KPU although they are few, they are organized. We are not. Therefore, if you want this Government to stand, we must be organized. Let us organize ourselves. There are these big fishes who are seeking power and these are the people who spoil things. They are the Ministers, the entire Cabinet of this country. Do these Cabinet Ministers have the welfare of this country at heart? Do they really want the security of this country? That is why I say that Kanu as a party, as the ruling party, must get itself organized. I am astonished to see some of the Cabinet Ministers, the ones at the top becoming youth-wingers

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for organizing something which has been passed. This is something which is happening, even right now and yet they say, "Oh!", when they are told about this. A Cabinet Minister who is the leader of this Government is doing this.

..... (Inaudible.)
Mr. Speaker, I did not see him yesterday. He is perfectly all right, but there are others who are outside this House now, who are trying to organize things about the meeting that took place on Monday last.

With these few words, Mr. Speaker, I think that the Kanu Government, the Kanu party should get itself organized so that we rule this country peacefully.

The Assistant Minister for Economic Planning and Development (Mr. Kase): On a point of order, Mr. Speaker, I thought some time ago you drew the attention of hon. Members to the fact that this is not really the right place to discuss party affairs. I wonder, therefore, whether it is in order for the hon. Members to continue doing so?

The Speaker (Mr. Slade): I could not quite hear you, I am afraid, Mr. Kase.

The Assistant Minister for Economic Planning and Development (Mr. Kase): Mr. Speaker, I remember once you sent round a circular to hon. Members, if my memory serves me right, to say that this House is not really the best place to discuss party matters and party problems. I wonder if it is in order that hon. Members, from now on, stop talking about these things so that we can continue on something different?

The Speaker (Mr. Slade): Mr. Kase is making an important point which has been running through my mind. I confirm what I have said on previous occasions, that, in the ordinary way, internal matters of a party are not really the concern of this House, which is concerned with national and not party affairs.

However, on this occasion, it is difficult to disassociate problems of parties from this very important issue of primary elections which has been brought forward, very rightly, by the President in his speech. We know that the necessity of primary elections, or otherwise, must be related to the desire of the Members of a party to be associated in the elections of their candidates. So, I think, it is in order in this debate for hon. Members to refer to party difficulties. However, I do suggest that they keep them as impersonal as they possibly can.

Mr. Muliro: Mr. Speaker, Sir, I also rise to make a few observations on the important speech of the President. It is a very welcome idea by every voter, every citizen in this country, that today, because of the confusion and lack of direction in the political party, that the people who want to elect representatives to this House should have a say in deciding who should go forward in the primary election in a given constituency for a given party. This, Sir, should not be tied at all to political party membership but to political party supporters because, Sir, today there is great apathy towards parties, very great apathy in various areas towards Kanu, although the people generally support the Government and the Kanu party.

Therefore, Sir, the idea of registered political party members should be quashed from the Bill when the Bill comes to this House. I am not trying to predict the contents of the Bill, Sir, but to all intents and purposes from what I know, they want to tie it down to political party membership. That, Sir, has already been rejected by the public outside.

My second point, Sir, is on the question of economic development. The development of this country today, Sir, is being directed to certain centres and other centres have no development at all. This, Sir, is the reason for the apathy which has been created towards Kanu and the Kanu Government. For instance, when you go to the Western Province, there is no major economic development taking place there, or any project of any magnitude there.

Sir, in a speech some four years ago in this House, the Minister for Economic Development made it very clear that by 1970 the paper and pulp factory at Broderick Falls would be in operation. Today, Sir, even the site has not been chosen. Therefore, Sir, the paper project which is still lying in the Ministries and in the minds of the Ministers, and in the mind of the Government, is not the sort of thing which this country wants.

When my colleagues and I from the Western Province go to fight on the Kanu ticket we will find that it is going to be a very tough fight. I can say this. We are going to have a battle because the Government has neglected the Western Province. I say this with all freedom, and *hakuna kitu Busia sawasawa*.

Another point, Sir, which I would like to mention is about the question of unemployment. Today, Sir, millions and millions of school leavers are walking the streets. The children you see in the gallery here, the children who were

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hanging around yesterday when the President was opening the Inter-Continental Hotel, they are the unemployed in Nairobi. Today, when these children come to Nairobi to look for work—and Nairobi is the only centre of major employment in the country—they are arrested and put into jail, or sent back as vagrants.

An hon. Member: You passed a law here.

Mr. Muliro: I opposed the law but I was in the minority. The Law of Vagrants as it affects unemployment, many people feel this should be looked into. We were assured in this House that this law if it became very stringent, we would see how to re-apply it, but the way in which it is now being applied Sir—it is being applied indiscriminately. I find this is something which should be looked into. The question of educated masses being unemployed is a very big threat to the stability and the economy of this country. One finds university graduates—when we want educated manpower—loitering on the streets of Nairobi, and we are told that we do not have the manpower to run Kenya. We have the manpower and unless these people are given the chance, and the opportunity of learning the job they are not going to get anywhere. I do not think there is any need for the peace corps here. The peace corps take employment from our local people. Our local people who have their Higher School Certificate do not have any work and yet the peace corps who do not even have the knowledge to teach are in our high schools, and the results in our high schools today are not very commendable. Mr. Speaker, this is something which the Government should examine.

Sometimes the technical experts become technical misadvisors. Sir, what we want in this country and what we do not want in this country is known by our youngsters from our own universities. I have known of university graduates in various Ministries, being denied jobs for old, old Europeans who do not contribute anything, and they are called technical experts. This, Sir, is not the right way to go about things. Today, we have organizations like my own organization—the Maize and Produce Board—where we have no advisors but we are doing a very good job. We have plenty of maize to feed the country. Even when some people get hectic about lack of rain, we have sufficient maize in storage. We are not doing this through technical experts, with old brains and rusty minds.

Mr. Speaker, I feel our Government should use our local manpower. If we have, in any given Ministry, some of these experts let them be told

that we are giving them so many months to train somebody to do their job and then they will go. If the technical expert does not improve, then he is given his pay and then they will always come and say that man is not yet up to the standard. But if he is given the task of training that man in six months and he has not done so then he should go back. We receive technical aid and the technical aid today is given with a lot of strings. For instance, there is the Nordic aid, we have German aid, they bring Germans here to consume money and it is as if you say you have a *ngombe* and I want you to give me a *ngombe* so that my child can have milk, and then the one who gives you a *ngombe* says that he will give you this *ngombe* for you to look after it provided my child can come and drink the milk. That logic, Mr. Speaker, is a very good and very interesting logic. If we borrow money from outside to invest in this country it must be in order to create employment for our own children and not to create unemployment and employ more people from outside. This, Mr. Speaker, is one of the failings of our Government. The sooner we have the general election and some of them are removed, then the better it will be for this country.

With these remarks I beg to support.

Mr. Ngala-Abok: Mr. Speaker, Sir, I intend to join my colleagues in congratulating the President for taking time to address Parliament this year.

Mr. G. G. Kariuki: Mr. Speaker, Sir, during my absence Mr. Muniyasia made some allegations, but he is going to lay on the Table a paper which he says opposes primary elections. Can he lay it on the Table now because it is 4 o'clock?

Hon. Members: What is it?

The Speaker (Mr. Slade): If you have it, Mr. Kariuki, I would be very glad for Mr. Muniyasia to lay it on the Table. Do you have the paper there? What happened was, Mr. Kariuki, that I told him that he could not refer to this paper unless he was prepared to lay it on the Table. As he had not got it with him, I did not allow him to talk about it anymore. I think the best thing to do is to forget about it, unless some other Member wishes to talk about it and then he can lay it on the Table.

Mr. Ngala-Abok: Mr. Speaker, Sir, will you give me a few minutes because of the interruption by the Member?

The Speaker (Mr. Slade): Yes, you can start from now.

Mr. Ngala-Abok: Mr. Speaker, I have said that I am thankful to the President for his Presidential Address and that he took the time to give it to the nation. I would also thank him for having been a symbol for stability, progress and peace in this country.

Mr. Speaker, the President spoke of rural development. He said that our planning system will be directed towards making sure that our rural areas are developed. We have now been in this Government for six years and we should have seen a sign of that particular development. I know that attempts are being made to develop rural areas, but what we see there is donations from place to place, and these donations, in the majority of cases, are not enough. In the majority of cases self-help schemes have started and then, because the people do not have enough money, they stagnate in the end.

The most important thing I would like to say about rural development here is the question of primary schools which have been started through self-help. In this country today we find that many of these schools are being closed because there is no money to pay the teachers; because there are no books to be supplied to these schools; because the children cannot pay the fees because the community donated all they had. Some people have donated their *ngombes* and so on and now they just cannot afford to pay the fees. The people who run these self-help schemes continue collecting *ngombes* and cows from people around there to keep the teacher and to make sure that these schools are running. If there is this sort of confusion and Government is still saying that they are going to develop rural areas, then who are they going to use for developing it? I think it is the local people that should develop the areas themselves; Government can only guide them through advice and through financial assistance. However, this is far from being seen.

To give you an example, Mr. Speaker, Sir, we have launched in this country rural dairy development and we have created a lot of collection centres where milk from African farms is collected and then ghee is made and this ghee is collected by the Kenya Co-operative Creameries. Recently, in the Dairy Board, we advised the executive committee to inquire into this to reduce finances for this development, to remove staff and to dismantle, if necessary, all this machinery for getting the African milk to Nairobi and to join the Kenya Co-operative Creameries and so on. If this is the trend, then how are we going to develop our rural areas? Just because the U.N.I.C.E.F. money has ended, we have no other

sources from which to get the money so that we can develop the rural areas milk and we now have to stop everything and even to dismiss staff.

This means that before we talk about what we want to do we should at least look back to what we have done in the past two or three or four years and see where we have made progress and where we are failing, so that we can say in specific terms what definite projects we are going to improve.

Mr. Speaker, this question of loans which the President spoke about for improving commercial business. This is all well and good, but what happens if a person has three wives, then he says that one wife is silly, the other one is foolish and the last one who he chooses to be the best as she is clean, he provides her with clothes and everything? The other two will leave him and will run away. Mr. Speaker, this is to say that if you come to Nairobi here you will see the kind of African who are now developing and the business which is booming, and all the rest are left out. All these people who are left out are not being given any opportunity or encouragement and I think they will dismiss themselves from Kenya and will go to Uganda and Tanzania. We should try to improve everybody; we should try to balance these loans for business; we should make sure that all the communities are treated properly. These loans must be given to all the communities that form Kenya; all the tribes want to benefit. I would not like to walk from bar to bar, from shop to shop, from market to market and only find one tribe and you never see the faces of all the other tribes, as if they are not going to vote in the General Election. We will have to make sure that the distribution of benefits—whether it is a loan, whether it is a house that is to be purchased, whether it is employment—is equal. Without this there is no hope for by-elections or primaries. You can talk about primaries but they will not help; primaries will only allow more corruption.

Mr. Speaker, if we say that we will appoint somebody to come as a Kanu candidate, what about in Kanu A and B? Somebody with money will give five candidates money to fight a single member he does not want. How will you avoid this money? How will you stop this money from being used? Whatever machinery you use, if somebody does not want you and he is a financial giant, he will use it against you, whatever primary you may bring. Moreover, these primaries are going to vote in people who are not Kanu and who are not KPU, because you will have to tell them why they are not given loans, why their maize is not sold for proper prices, why cotton is not

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making its proper price. You will have to explain before you have these people to vote for you in the primaries. This will mean that no Government will be formed by any party; this will be a party-less candidate.

An hon. Member: Are you opposing the primaries.

Mr. Ngala-Abok: I am not opposing the primaries, but I am saying we must clean our house. Before we pretend that we have done something good, let us watch what we are trying to do.

On this question of primaries, Mr. Speaker, Sir, we need an inquiry or a referendum to make sure the procedure of primaries. If we are going to dump the primaries on the people we are going to elect the people we do not know, the people whose loyalty is not definite.

An hon. Member: Producing your party card is not necessary.

Mr. Ngala-Abok: As an hon. Member has just said, Mr. Speaker, the producing of your party card is not necessary. If you do not produce a party card, then which party do you belong to? Before you vote for your candidate, you want to make sure that he is the person you want.

There are many, many things that we need to do. We want to leave it to the people, but we do not want to kill it. We must tell them these things when we are still leading and make sure that what we are producing will be something that will save the country. You cannot leave everything for your child to learn, you must direct him. You cannot say that you leave everything for the children. You have to make sure that you produce a blueprint of a concrete and tangible nature which somebody will use to benefit you as the man who wants it to be done.

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

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

Mr. Deputy Speaker, another point I want to make is this question of rural development again. There is something which I had just forgotten. The co-operatives that are going to direct our products from agriculture, have also got to be organized. What is now preventing us from getting proper markets for our crops, is the failure of the co-operatives. The co-operative officers there, and the money which they make, is not seen by the members of these co-operatives. This is the basis of our development in rural areas

because we cannot compete with a single large-scale European farmer, even if it is an entire district, because in some of these districts there are five European large-scale farmers who will get so much milk and if you want to compete with him you must organize the people in the co-operatives. Therefore, we must make sure that these co-operatives are better organized so that they can compete. However, if they are not better organized we are just running out of time and we are not going to help the situation any more.

Mr. Deputy Speaker, Sir, it is understandable that our Government should do something about school-leavers, particularly school-leavers with School Certificates. It is very shameful to see someone who has just passed the School Certificate and he tells you that he has been in a certain street for the last six months as he has nowhere to go and he has no job and so he is going to go back home to the rural area. This is very shameful indeed. We people who lead this country should make sure that we provide something for them. When I moved a Motion on this one, I said that apart from teaching the academic subjects which we would like our children to know, we should teach technical and vocational subjects so that when a person has completed School Certificate he can go to an office and say that he has done such things as typing and carpentry and he is interested in them. This person can then be considered if he appears in an office and asks for work because he is asked what he has done and he is asked if he passed his examination and what job he wants and he can answer, "Any job", and this is a person who has had 12 years of education. This is very shameful indeed. We must get our education system well sorted out so that we do not find ourselves in trouble.

Mr. Deputy Speaker, still to emphasize this question of crops, I have here the case of a person who comes from a place where they do not have a cash crop of a permanent nature, a crop like maize, potatoes, groundnuts, cotton or vegetables. When are we to get better prices for these crops so that we can develop them extensively and encourage our people to benefit from them? In places like the Coast, Nyanza, North-Eastern Province and some other places, you do not get cash crops which can benefit the Kisii, the Central Province chaps and other chaps from different parts of the country. Now, those places which can only produce potatoes, maize, groundnuts and cotton, as well as vegetables, where can we get markets for these crops to benefit the people?

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

Mr. Komora: Mr. Deputy Speaker, I am thankful to you for having given me this wonderful opportunity so that I can join my friends in congratulating His Excellency the President in his Presidential Speech.

Mr. Deputy Speaker, Sir, I would like to confine myself on the social side only of the life of our people. Sir, if you were to visit the home of any one of us here, you would be able to see who carries something when he goes to his home. You will see that immediately he arrives at home, his wife jumps up, his children go to meet him, the dogs, the cats, the *kukus* and everybody go to greet this gentleman. They do this because he has something with which to feed the family. But Sir, when you get to a certain home and you see that the mother and children are running away from the father, then you will immediately understand that the father in this family does not take anything with him to his home. That would be the reason why everybody runs away from him.

Mr. Deputy Speaker, Sir, it is true that any hungry family is never happy or peaceful. Perhaps this might have been the reason why the Attorney-General did not wish to reveal the number of cases where people have applied for divorces. This is because the number is too big. One reason being that there is poverty in the home, the husband has nothing to feed the wife on, and therefore, the wife does not stay at home. She either goes to her brother, or her father, or to any of her relatives. She stays there for some time, and when she comes back, the husband asks her: "Where have you been?" "Well, you know there is nothing to eat in the home, and there is no reason why I should stay here to die", she replies. A quarrel develops as a result.

Mr. Deputy Speaker, we have had assurance from the Government time and time again that all Government's attention will be drawn towards the rural areas. This has lifted the hopes of people in some areas, but we have nothing in others. So the people living in such areas are in a famine situation and live below the subsistence level. When they try to go to the towns to seek employment, they meet the police who arrest and charge them with vagrancy, and so they go back to the land. But the land is unproductive. The drought in the country just now is an example of unproductivity.

Sir, if the Government were to develop that big irrigation scheme they talked about in the Tana River area, for example, which could accommodate about 75,000 families, much of the unemployment problem that is now facing the country would have been solved, but this work is not forthcoming and it is not known when it might start.

An hon. Member: Is it a Pokomo problem?

Mr. Komora: Not necessarily, Sir. I was surprised, the other day when I read some minutes of the Coast Provincial Agricultural Board, to find that it was stated in the minutes that the Wapokomo do not want that irrigation scheme to go on. This is very false, Sir, because in the last cotton-growing season, there were 175 names of people on the waiting list, wanting plots in the scheme. They were Pokomo names on the list, but they could not be accommodated in the scheme. This year there are 410 names on the waiting list and I am surprised to hear that the Wapokomo or the Tana River people do not want that scheme to go on; that it is going on because it was there. It might be that the Government wants to send that scheme elsewhere. Let them do so because there is nobody who can stop the Government from doing so. But if we as a Government have to develop the rural areas, I should think that Tana River should receive first priority.

Mr. Deputy Speaker, Sir, I am a nationalist and I am speaking as a national Member. I have only mentioned Tana River as an example, but I know the problems or some of the problems which are being faced by the Tana River people just now, might be the same people of Teso or those of Murang'a or elsewhere. Therefore, I should not be accused of not being a national Member. I am speaking as a national Member. I am speaking in a national institution and there is no room here for tribalism and individualism.

Mr. Deputy Speaker, Sir, my friend the hon. Mbogoh tells me that I am a nominated Member.

Hon. Members: Yes. You are.

Mr. Komora: So what? Am I a second class Member of Parliament in the Chamber?

Hon. Members: Yes! Yes!

Mr. Komora: Don't I enjoy the same rights that they do enjoy?

An hon. Member: No!

Mr. Komora: Mr. Deputy Speaker, Sir, perhaps I may wish to have a clarification of this point, because if I am not entitled to enjoy the facilities that the elected Members are entitled to, then there is no point of my being here. I might as well stay at home and rot like my friends.

Hon. Members: We said that a long time ago.

Mr. Komora: Mr. Deputy Speaker, Sir—

Mr. Mengo: On a point of order Mr. Deputy Speaker, Sir. I think the hon. Member who is trying to oppose us here is abusing the House and not individual Members.

The Deputy Speaker (Dr. De Souza): Sorry, I did not understand your point of order but I don't think it will matter.

Mr. Komora: Mr. Deputy Speaker, just now our county councils cannot be able to employ persons because it was revealed yesterday by the Assistant Minister for Local Government that the county councils are about to be bankrupt and the reasons were said yesterday.

I understand that the Teachers' Service Commission, for instance, is the employer of teachers, but the county councils provide salaries to teachers, and again, Sir, as a result of the Salaries Review Commission there was additional money needed to meet salary increases, and this has become a burden to the county councils. Mr. Deputy Speaker, Sir, the Government should take immediate action to release the £1½ million to the county councils so that we can at least get relief on the aspect of finance, especially in the educational field.

With these few observations, Sir, I wish to shut up.

The Deputy Speaker (Dr. De Souza): Order! You can say that to yourself but you should not say that in Parliament.

Mr. Lawi: Mr. Deputy Speaker, I rise to associate myself with the other hon. Members who have thanked His Excellency the President for his speech outlining the Government's policy towards the development that will take place in the year to come. In his speech he talked of rural areas' development. We know that there are some rural areas in this country which are already developed and that there are others which are as they used to be during the colonial régime. I know this is not the fault of our Government but is the fault of the Colonial Government.

The idle time is gone—the time when the Colonial Government did not think of the people of this country. I am convinced that it is high time the rural areas, like the districts of the former Northern Province, the districts of Turkana and West Pokot have a plan which in itself thinks of these areas, what these people specifically require. I know in some districts people have to travel over 50 miles to get water, 60 and even 100 miles. Development has to cover such things. Is it that we should have water for the animals first or hospitals? So, Sir, when the question of development enters the rural areas, it has to consider each district, basing the consideration on immediate needs because this is what was lacking before. This is what should be considered.

I find there is one issue, which is a burning one, in this country. This is the method of assessing graduated personal tax. Graduated personal tax

assessment for salary earners is very simple—it is just a laid-down formula—but assessing graduated personal tax for people who own a number of trees, or produce bananas, is not easy. You find that a person, for the simple reason that he owns three trees, he has a few bananas, is assessed at a figure which does not correspond to his income. No one cares to find out how many banana trees he has and how many bananas he sells in that year, to find out what goes into his pocket. This is lacking. For those who earn salaries, it is simple because you can easily say Sh. 4 or Sh. 6 or even Sh. 10 per month. So the Government must try to employ a better method which will not leave people with a feeling of frustration. We must work this out with the councils, we must work and reason out things together.

Now, Sir, there is another question here. You find that people travelling in buses are often taken off the buses and asked to produce their tax receipts. It is always good to take the taxes within a location but not on the main roads of the country. Some people are busy coming to Nairobi to do their jobs, there are those who are coming to Nairobi to look for employment, others who are called for interviews here, and these people do not have the time to explain to the collectors where they come from. I do not object to tax being collected or tax receipts being checked within a location, but it is not a good thing to do this along the main roads of the Republic. Along these main roads people must be free to move. It is a very difficult thing to identify yourself to a person who does not know you. We must point out the problems of the people. We are not agitating, we are merely saying what is happening. I think this is a right thing to do provided you do it in the right way.

I want to come now to the question of the *Harambee* secondary schools. The public of this country must be thanked for initiating and agreeing to contribute to the building of *Harambee* secondary schools; but sometimes there are adverse results in this field. After a *Harambee* secondary school has been built, the fees go up to Sh. 800 or Sh. 900. What should be done to alleviate the situation is this. Once a *Harambee* secondary school has been built, then the Government should take it over immediately because the poor people cannot afford to pay Sh. 900, which is the fee required before they can send their children to school. I know that in Government schools the highest fee is Sh. 300. Those who go to national schools get bursaries, but those who go to *Harambee* secondary schools have to get their parents to pay the fees. That is why I say these *Harambee* secondary schools must be aided in a big way so that we can get

[Mr. Lawi] many people deriving benefit from them. If we leave them as they are, to have the parents paying for the salaries of the teachers, the maintenance of the schools, the fees, then the result will not be good in the end.

Although other Members have talked about employment in this country, Sir, I would also like to give my views. Employment in this country is a very burning issue. Employment is for two categories of people: those who have left school and those who did not go to school but can work very well in building, in construction. In Nairobi there is a lot of building construction going on. People who come from other districts find it difficult to get jobs in Nairobi. I do not know what the Minister for Labour is doing to get them jobs. I know of a person who was telling me that he could always see, everywhere, boards saying, "No vacancy" and yet the next day he hears that many people are being employed in such places. What is happening? What machinery is being used? You see, Sir, we must be frank with our people and we must help them. Those who are ready to work and those who are willing must have these chances.

Another point, the last one, is about animal diseases. Animal diseases in this country are considerable. We have heard that the grade cattle which our people had have died. The hon. Members have been asking the Minister to consider writing-off the loans for such animals which have died. Now, if the animals on the farms are dying, what about the animals on the open ranches? What chance do they have? So, the Minister for Agriculture, with all his experts, should work very hard to find a way to eradicate these diseases. We like animals, we do not want to be without them in this country. So it is high time the Minister worked hard to see that something is done. If this did not happen before, why does it happen now? Are we getting foreign animals from some place where they are diseased? Why should this happen?

Mr. Deputy Speaker, as a representative, and all of us are representatives of our people, we come here and say what is going wrong here and there. It is up to the Government to see that things are rectified quickly. Government knows which things they are being reminded about every now and then. I know that the Government has done something but our appeal is for the Government to do more because more is required. Once a family increases, Sir, you must get more spoons, you have to buy more bedding and everything else that is required in a house.

After the census the Government will see that our number has increased. So more development is required now.

Thank you, Mr. Deputy Speaker.

Mr. Mwithaga: Mr. Deputy Speaker, Sir, this year's Presidential Address is most welcome, just as we always welcome such speeches every year.

The President, in delivering his address, referred to agricultural developments. I must warn that the present agricultural development is actually moving very slowly because of the complications which are now a big headache to the Ministry of Agriculture, the Agricultural Development Corporation and the Agriculture Finance Corporation. The other day, here, we passed the Agriculture Finance Corporation Act. This had one main aim, to provide finances to the would-be farmers to enable them to develop agriculture. But when the farmers are trying to go out for large-scale farms, they find that the Agricultural Development Corporation speaks as the landlord. Now, farmers taking land from the Agricultural Development Corporation cannot get loans from the Agriculture Finance Corporation. Sir, that is one of the ways of hampering Africans from carrying on with agricultural development. This is a fact and all the material facts can be brought to this House to the great shame of the Minister for Agriculture.

Mr. Deputy Speaker, Sir, I feel that when we pass an Act of Parliament it must be implemented, and implemented without bias or favour. Therefore, if we have to organize an agricultural revolution, we must be able to support those who are trying to go into farming and those who are already in farming, and utilize the Government's resources of finance to be able to develop African farming.

The other thing is this. The President touched on the vagrants, he touched on the robbers and robbery with violence. I wholly support the sentiments in the President's speech about robbers and robbery with violence and such other crimes and criminals. Honestly we want a clear conscience; but, at the same time, who commits the greater crime: a man who robs with violence or the man who deliberately defrauds or tries to misuse or even steal public or State funds? Sir, both are dangerous elements to our society and, therefore, if we have to cut off or curb crime, then corruption is the worst crime in a given society. Mr. Deputy Speaker, Sir, those people found corruptible and committing such crimes in a public service or in other services must be treated as people who are robbing with violence because they are denying the society of the

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finances to develop social welfare, economic welfare and other welfares of the people. Therefore, I appeal to the President and the public to treat those people without mercy, with ruthlessness.

The President, also, touched on the welfare of the people, the social welfare. It must be understood—despite the fact that Ministers do not worry about it because there is only one year to go before the next election and some of them have been in this House for seven years—that unemployment is on the increase. Last year 17,000 youngsters sat for the school certificate, and only 5,000 of these have been found places, given training or jobs. Sir, where are the remaining 12,000? Those who sat for the Kenya Junior Secondary Examination—None of the Members here can tell me that 5,000 of them are settled anywhere. Those who sat the Kenya Preliminary Examination, the so-called Certificate of Primary Education, are also out now. It seems as if in two years' time we will be having a population of school leavers of about 100,000 who are jobless. This is going to be a terrible menace to society and not one person here can tell me that he has any idea of handling crime and other evils that will be committed by those youngsters because of lack of settlement. Sir, we sit in this House using the slogan over there, "For the welfare of society and the just government of men." Yet, at the same time, we are conscious of the handicaps these youngsters are now facing, and are going to continue facing and suffering. There might be 20,000 sitting for school certificate. University places are scarce. The other day I was trying to speak to the bank managers, the Pyrethrum Board in my area, and other institutions to try to find employment for students who passed with Division II, but all was in vain. This was Division II. If Division II just cannot have jobs, if they cannot get training facilities, what do you imagine Division III and such others will do? Those are the people we are going to treat tomorrow as part of an outcast society of this nation. Sir, every year I have said in this House that we must look for crash programmes, even if it means regimentation, so that we mobilize the young people and the unemployed into regimented organizations. I suggested here three years ago that we form the nation-builders brigade. When I said it some Members started shouting, "Communistic". Mr. Deputy Speaker, HANSARD will prove me right. It is easy to call a thing communistic, socialistic or capitalist but when a situation erupts, then there is no question of referring to slogans any more. Therefore, if we are here for the welfare of

society, let us look for a system that will be able to help us to solve the problem. I hope that the Ministers will even try to ask Members for ways and means and utilize them on councils and committees which can plan such institutions. There is a lot to be done, Sir, but brains are being wasted.

The President touched on African Socialism. To be able to realize African brotherhood we must be conscious of the activities of the enemies of African brotherhood. Radio Johannesburg has been broadcasting daily that they have now advanced to political infiltration in the African independent states and they have named some nations, and they say, "Others we cannot reveal at this time, we cannot disclose them." Let them be named and known, because they are able to infiltrate into various nations. I wonder if ours is one?

Mr. Deputy Speaker, the Minister appears to be worried about it—in any case he is the Minister for Information.

Now, Mr. Deputy Speaker, South Africa today is organizing a campaign to destroy the image of free Africa. The guerilla war which is going on in colonial countries today, Angola, Mozambique and Rhodesia, is being blocked by South Africa. Mr. Deputy Speaker, we are an independent nation and we may laugh at those who are down there where *coups* are going on, Nigeria, Ghana and everywhere; but, Mr. Deputy Speaker, this Government must be able to be resolute to be able to curb all evidence of infiltration from South Africa in this nation, be they in the Government or outside the Government. Agents, Mr. Deputy Speaker, Sir, have various faces and we must be conscious of this if we are true politicians, nationalists and defenders of our Constitution.

Mr. Deputy Speaker, Sir, I do not want to dwell on politics because the Ministers appear to be more versed; but one day, Mr. Deputy Speaker, Sir, they will find all their degrees, which they received from colleges, useless because they cannot talk to the country. Now, Mr. Deputy Speaker, Sir, I know very well that we have been trying to advance our international outlook and to try and create an image which is useful for Kenya. The other day, Mr. Deputy Speaker, Sir, some Ministers started running out of Kenya and going to the United States and so on, and they go and provoke the Afro-Americans, the Negroes, warning them not to try and think of coming back to Africa. Who sent them?

Mr. Deputy Speaker, Sir, when any of our Ministers speaks in another country he implies collective responsibility. If that is not so, let

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the Minister for Information tell me now that this is not so. Mr. Deputy Speaker, they go out and try to represent this country on things which are not necessary instead of talking economics.

Mr. Deputy Speaker, Sir, my time has run out and I beg to support the President's Speech.

Mr. Lubembe: Thank you very much, Mr. Deputy Speaker, for giving me this opportunity.

I see only one Minister is here, the Minister for "Misinformation," who is misleading the House. The other day he misinformed us about Gem, and now he is shouting all the time.

The Minister for Information and Broadcasting (Mr. Osogo): On a point of order, Mr. Deputy Speaker, is the Member for Starehe in order in what he is insinuating against me?

The Deputy Speaker (Dr. De Souza): Order! Mr. Lubembe, I know you like to be funny, but I do not think this is the way to do it. Every hon. Member has the right to be addressed politely according to his proper title, and the title of the Minister is the Minister for Information and Broadcasting, so please do not do it again. This time we will let it go but please do not do it again.

Mr. Lubembe: Mr. Deputy Speaker, I was not being funny. I was not happy when the Minister told us people had resigned from KPU in Gem and then we lost the seat. This was broadcast on many occasions. Was that not misinforming the country?

Now Mr. Deputy Speaker, I would like to say a few words. The country now is waiting to see what we are going to do. I would say that the most serious problem is about Africanization. It is not only in employment, but even in farming, even in business and in everything and I think we have to work hard, and our Government must be firm on this. If we are to develop the rural areas as we say, and we want Africans to farm, then we want our farmers to be very devoted to their jobs. Also, as a Government, we must encourage Africans who have gone into business. For example, the Africans are now coming into farming and we have only people who are not Africans distributing machinery for farming, with the exception of one company in Kenya which is owned by Africans. The Ministry of Agriculture should encourage this African company which distributes the machinery; in fact, it should buy from this company so that it distributes money and makes these people financially strong so that those who have more cannot finish them.

Africanization is not a small thing. This question of taking advisors for everything is difficult. Those advisors are not experts on our problems.

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

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

They are only experts on their own problems, and when they come and say they want to advise us, Mr. Speaker, they are advising us on what they want us to do. If we push very hard they will not be happy. If we tell these advisors that we do not want them to stay long they will not be happy. It is like one story I know where somebody went and borrowed a suit from a friend of his and went to a dance. When he arrived at the dance he found the friend who had lent him the suit was also there. This man came with a nice suit and a nice girl to dance with and so on, and the other man felt very jealous, and when he started dancing the owner of the suit went up to him and asked him not to dance very hard and spoil the suit. This is what is going to happen if we import people to advise us about our administration. If we push very hard they will tell us we are spoiling their suits. We must be very careful on this, Mr. Speaker, and it must not just be something we play with.

Another point which I would like to raise is the question of distribution of buildings or houses in Kenya, especially in the big towns. We have left this in the hands of the land estate agents who are powerful and also in the hands of foreigners. It is my feeling, Mr. Speaker, that many Members here find great difficulty in obtaining a flat to live in. Flats are advertised but when you go you will find it difficult to get that flat given to you. If you scrutinize the conditions you find them to be discriminatory. So, Mr. Speaker, I think the Ministry of Housing should try to take over the question of housing and give it to a sort of Statutory Board as we have done with other things in the country, where we have distribution being done by Government machinery. If we leave people who want to obtain these houses to be given to those who feel will be good to them, it will be very hard to have this properly done.

Mr. Speaker, I would say that I am glad the city council is helping most of the hon. Members here, as some of them have council houses despite their coming from outside Nairobi. These Members are being given help by the city council. I would also appeal to the city council to see that rents for old houses—even if they are not allocated to hon. Members—are assessed so that rents are not the same as they were at the time

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the houses were built. For example, Ziواني, Shauri Moyo, Kaloleni and so on, where the houses have paid for themselves and the city council does not owe anybody any money on these houses. It is my suggestion that the rent in Shauri Moyo, Ziواني and Kaloleni should be reduced because the houses have been paid for. Some people have been living there for 15 years or 18 years and they have been paying rent regularly. They should be given some sort of recognition for having paid a lot of money to the city council which has enabled the city council to build more and more houses, although we still need more money to build more houses. I feel that the city council should reduce the rent on these particular estates so that the people who have been staying there should pay a reasonable rent.

I would also like to mention something, Mr. Speaker, about corruption which is always being talked about. We have read of cases being withdrawn in court on the question of corruption. I feel, Mr. Speaker, that if we want to stamp out corruption, once a case is taken to court I think the Attorney-General must not allow such cases to be withdrawn. Let the man himself prove that he was not guilty. When we withdraw them, some people start suspecting that the Government does not want to fight corruption. If we let the person win the case nobody will—we should leave the whole question to the magistrates and the judges and let them decide. But knowing now serious the question of corruption is, I feel it is not a very sensible idea. I would suggest, Mr. Speaker, in order to end this question of allegations of corruption against our Government, our Government should appoint a commission of inquiry like the one which was appointed when it was alleged that a certain Minister had stolen maize and so on. We should have an independent inquiry into this corruption and these things should be brought out so that the people will know exactly what is happening.

We have spoken about rural development, Mr. Speaker. It is my belief that rural development should be encouraged more. Where we have markets and so on we should have loans for them. The people should be encouraged to have some development in the villages. Let them have shops in the villages, properly built and they should be given loans so that people will be encouraged to take more interest in co-operatives in rural areas. You find that it is very far from where the people live to the markets.

I would also suggest, Mr. Speaker, that the system of income tax should be revised. We know

we have some people who are earning more and some who are earning less. It is my feeling that the people who pay surtax later should be removed. The people who are known to be earning more should be taxed properly, and pay then and there instead of saying they will be taxed later.

Coming to the question of employment, Mr. Speaker. I think the trouble over employment and many other matters is because in the Ministry of Labour we have a problem in that at the moment we do not have somebody who really understands the problem of labour. The Minister does not understand this properly. The Permanent Secretary does not know anything about it, and he is at the same time the Labour Commissioner. A long time ago we had a Labour Commissioner and now the Permanent Secretary has taken upon himself the post of Labour Commissioner. This is why we have problems. Even in settling disputes there is delay, delay and still more delay, and we have trouble between the employers and the workers. It is my sincere and genuine suggestion that in view of the fact that the Permanent Secretary who is there is not a labour man, we should have a Labour Commissioner to take over this matter so that we do not have these problems.

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

Mr. Onsando: Thank you very much, Mr. Speaker.

Mr. Speaker, Sir, I would like to associate myself with those who have paid tribute to the Speech of His Excellency.

I would like to say from the offset that I was very grateful to hear that we are going to have a revised Development Plan. I would like to suggest to the Government that if this is still with the printers they should realize that they should include all areas and all fields. What we have had in the past is a Development Plan for only selected areas and in certain fields. We should have development not only of roads, or hospitals or schools in certain areas, but we should initiate development projects covering all fields. We feel that the urban areas have had enough development and those of us who come from the rural areas would like to see this Plan cover the areas we represent.

Mr. Speaker, Sir, one other thing which was touched on, and I feel I should like to ask the Government to elaborate on it, is the question of land settlement. We know we have plenty of land in Kenya, but we appear to have come to a standstill as there are very few settlement

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schemes that are being started now. I come from a very thickly populated area, the Kisii are sitting on top of each other, and we are not being settled. We have been told time and again that there will be *Harambee* settlement schemes, but these have not come about. For the last one year there have been no Kisii being settled. The portion of the land purchased in the Kisii District has all been settled. It is my sincere request to the Government that they should look not only at the Kisii, because I know of some tribes in Kenya whose areas are also thickly populated. We should be able to settle our people anywhere in Kenya and the Government should buy more land to settle the landless.

One thing I would like to remind that particular Ministry about, Mr. Speaker, is that we find there are genuine landless people, and there are squatters. We do appreciate the fact that there are squatters and they should be given priority on the farms which have been purchased. There is also a second group of people who are landless, and those are the people who have voluntarily given their land for common purposes. In my area such people have not been considered for settlement schemes. I see there is only one Minister here and I hope he will convey this to his colleague, that these people who have given their land for schools, health centres, on *Harambee* basis should be given priority in settlement schemes.

Mr. Speaker, Sir, the next point I would like to make is concerning water. We know in Kenya there are arid areas where water is very scarce, and there are also areas like the Kisii District and others which have plenty of water but, the land is very hilly and the water is not close enough. If you go to the water development section you find that emphasis for water development is only laid on a certain section of the country; and worse still, Mr. Speaker, you find that the Government has recruited advisors or engineers, but these people are not in the field but are sitting at their desk doing administrative work and I feel this is very shameful and a waste of manpower that people who are recruited to do engineering work and field work and advise on water projects are made to sit in the office and keep on approving leave and such like things. This is a waste of money and also, I think, a waste of manpower.

Another thing which I would like to say here, Mr. Speaker, is that His Excellency mentioned something about registration of land. I have noticed that in the field we have two teams.

First of all you have the land adjudication officers who come and do all the work, the aerial photography and everything, and then comes the Survey of Kenya—these people come from the same Ministry, Mr. Speaker. I feel this is duplication of work and one group can complete this. It is now seven years since this was promised, that the land registration would be completed very soon. In the Kisii District, up to now we have not had title deeds for our land and yet we are told the Government is doing its best to see that every piece of land is registered. I would request the Ministry concerned to see that this is speeded up and people receive their title deeds. We are delaying development. Our traders, our farmers, have no security to offer to the commercial banks in order to receive money on loan.

Mr. Speaker, Sir, His Excellency also mentioned something about the diversification of crops. It is good to talk of this, but the Ministry of Agriculture, I think, has failed to come out with a policy on cash crops. I will take coffee for an example. Coffee has a lot of taxation and now people have lost interest in growing coffee because the Government takes an export tax, the societies take a commission, the unions take a commission, and to spray the coffee farms is very expensive. What the farmer actually receives is very little. As a result many coffee growers have neglected their farms and the farms have turned to bush. I think the Government should come out and help such coffee growers in a way and subsidize even spraying. The poor farmer has to pay for spraying and so on. The production costs are so high that people have lost interest in growing coffee. I would request the Government to see that these people are helped. We now talk of over-production of wheat, but if we are over-produced in wheat it will mean that the wheat-growers will not be interested in growing wheat. I think the Government should find a market for our agricultural crops.

Another thing, Mr. Speaker, Sir, which I would like to say—which has been said by one hon. Member here—is the question of education. His Excellency did not mention a lot on education and I feel the Government should be serious about education. I fail to understand, at this stage of our development, why we should keep on talking of high-cost schools. We are all Kenyans and I do not see why we should have two types of schools, one for the rich and one for the poor. This is a very shameful act on the part of the Government and I think they should abolish these high-cost schools. We should all get education and it should all be equal to all. It means that the children from poor homes cannot

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go to Nairobi School, as this is taken to be a high-cost school. If our brothers or sons pass well in their Certificate of Primary Education Examinations they should go to any school in Kenya. Let us not have these two types of schools.

There is something else connected with education, and that is the lack of highly qualified teachers. We also have high school classes in some secondary schools where science subjects are taught, yet there are no science teachers and classes have been remaining without teachers and the Government says that such classes are running in such schools. I think the Government should be ashamed of this; that they can open a school and not staff it. The Teachers' Service Commission is also too slow in staffing the schools. Many of our secondary schools have run for the first term without teachers. This is a challenge to the Government to see that the schools are staffed in time.

Another point, Mr. Speaker, I would like to say is that His Excellency the President announced the reduction of graduated personal tax from Sh. 48 to Sh. 24 for those earning less than Sh. 80 a month. This is not being carried out. You find that the district commissioners are telling the chiefs and sub-chiefs that everybody must pay Sh. 48. I think this is a wrong policy on the part of the Government; once directives are given people should be assessed and there should be assessment registers so that in each sub-location we know exactly who and who is paying Sh. 24 and who and who is paying Sh. 48. This happens in many districts where you find the administrative police, instead of keeping law and order, merely engaging themselves in collecting graduated personal tax. People travelling by bus have been so much inconvenienced by these *askaris*, and I think it is a shame on the Government that this has not been rectified.

The other point I would like to make, Mr. Speaker, is the question of health. The Ministry of Health has very poor planning because you find a small hospital which has about eight patients a day with three doctors, but at the big hospitals, like Kisii, with 350 patients a day, there are only two doctors. I think this is a shame on the part of the Government and it means that the Minister is not taking the trouble to know what the country needs.

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

Mr. Omar: Mr. Speaker, I am also supporting my colleagues who have congratulated His Excellency on his speech.

I want to start with the problem of unemployment in this country, Mr. Speaker. Although many Members have already spoken on this subject, I also feel that I should contribute, because even His Excellency himself stated in his statement that: "the greatest social problem confronting the Republic today is unemployment."

Here it appears that the President and the Cabinet are aware of this great social problem confronting the Republic, and many Members have spoken about it as one of the menaces to this country. None, however, have given suggestions as to how this problem can be solved, and I am here now to give some suggestions as to how this problem of unemployment can be solved.

The first proposal that I have, Mr. Speaker, is that I feel that this House should enact legislation to the effect that every person in this country who earns over Sh. 1,000 per month should employ a house servant or a *shamba* boy or an *ayah*. That, in itself, would reduce the amount of unemployment in this country.

We remember, Mr. Speaker, during the colonial days those people who were earning big salaries—mainly Europeans or Asians—whether they were bachelors or married people, they used to employ a *shamba* boy, a cook, a garden boy and an *ayah*; and that, in itself, was one way of solving the unemployment problem. However, soon after *Uhuru* we people who came into those positions of earning over Sh. 1,000, whether we were bachelors or married, did not do the same thing as those Europeans and Asians who were earning such salaries. It is my strong feeling that one way of solving unemployment in this country is introducing legislation to the effect that everyone who earns over Sh. 1,000 should employ a garden boy, a house servant or an *ayah*.

An hon. Member: Have you got one?

Mr. Omar: I have three for your information. I am doing this not because, Mr. Speaker, I have enough money with the small salary that I am getting, and with a lot of commitments, but I felt I should employ these three servants so that I reduce the unemployment.

I think that we, as leaders of this country, Mr. Speaker, and as legislators, and as people who are earning over Sh. 2,000 per month—and the Ministers Sh. 5,000 per month—should be the first people to employ at least two people each. I am sure that that would reduce unemployment.

We found that some Members even drive themselves from Nairobi to Mombasa and from Nairobi to Kisumu and they do not want even to employ a driver, and yet they are earning Sh. 2,000 a month and in addition to that they

[Mr. Omar]

are getting attendance allowances, night allowances and so on. If we are really realistic in wanting to solve the unemployment problems we, ourselves, should be an example to others and enact legislation that all people who earn over Sh. 1,000 in Government or in the private sector, should be forced to employ other people. This is a proposal that I am giving to the Government if they want to be really realistic in solving the unemployment problem in the country.

The second thing, Mr. Speaker, is that I feel that the Government should establish State farms to grow cash crops so that on these farms those unemployed people could be employed and become productive. The crops that would be grown on these State farms could be sold and thereby we could get some money.

Another proposal I have, Mr. Speaker, is that I feel that some workers in different industries are overworking in that they work over eight or ten hours a day. In other industries they work even over 12 hours a day. My suggestion here is that we should introduce legislation here that people who work over 12 hours a day should be reduced to six hours a day so that more shifts could be created and by so doing more vacancies could be created and those unemployed people could be absorbed into industry.

Therefore, I have given three proposals to the Government for combating the unemployment problem in this country.

Another thing, Mr. Speaker, is about the development. In his speech, His Excellency stated that there was a project to develop the rural areas, but it is not only the rural areas which need development; even the urban areas—especially Mombasa Municipal Council—are also in need of development. The fact that 50 per cent of graduated personal tax from the Mombasa Municipal Council and the Nairobi City Council has been taken by the Central Government to be spent on development on rural areas, has affected these two local authorities in Mombasa and Nairobi. I have a feeling that the Minister for Local Government should review this Act because the Mombasa Municipal Council is already suffering from a lack of funds to make developments in some parts of the Mombasa Municipal Council. You find places like Likoni, Changamwe and Kisauni—in Kisauni there is not even a water supply and this is because the Municipal Council of Mombasa has not got sufficient funds. If this 50 per cent of the graduated personal tax was not sent to the Central Government here the money would remain there for the social developments needed in those areas. I hope the Minister for

Local Government will take this matter very seriously and consider returning back the money taken from the Mombasa Municipal Council.

Another thing, Mr. Speaker, is about the loans given to the farmers and the traders in the Coast Province as a whole. Our people in the Coast Province have been complaining time and again that they are not getting loans from the Ministry of Agriculture and from the Ministry of Commerce and Industry. This is true, Mr. Speaker, simply because most of the coastal people have not got enough security to surrender to the Agricultural Finance Corporation and to the Ministry of Commerce through the Kenya National Trading Corporation. They have not got enough security simply because they have not got title-deeds for their land. Therefore, I would suggest that the land registration be imposed on the coast people because if it is left to the people themselves to decide that registration of land should go there, I am afraid they would not accept it. It should be imposed as it was done in the Taita District and some other parts of this country so that the people could get title-deeds which would enable them to get loans from the Agricultural Finance Corporation and from the Ministry of Commerce.

Mr. Speaker, this must be done as quickly as possible so that the coastal people can also feel that they are treated equally with other people from up-country here. At the moment there is a cry that these coast people are not treated the same as other people.

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

Mr. Kamau: Mr. Speaker, Sir, I would like it to be in the record that I join my colleagues in congratulating His Excellency the President on the speech he made at the State Opening of Parliament on the 20th of this month. I would say that this was one of the liveliest speeches His Excellency has ever delivered in this House.

If, Mr. Speaker, Sir, you allow me to quote, I would say:—

“In a House now sufficiently experienced, there should be fewer parochial attitudes, far less automatic condemnation, or baseless and sometimes marathon attacks by honourable Members—”

QUORUM

Mr. Tsalwa: On a point of order, Mr. Speaker, I observe that there is not a Quorum in the House.

The Speaker (Mr. Slade): You are quite right. Ring the Division Bell.

(The Division Bell was rung)

The Speaker (Mr. Slade): We have a quorum now. You may continue, Mr. Kamau.

Mr. Kamau: Mr. Speaker, Sir, I was saying: "... attacks by honourable Members on the Government to which they are committed, by popular mandate, to support with loyalty and striving. There should be no wild allegations rooted in ignorance, or in failure to study the implications of some issue."

Mr. Speaker, Sir, at this moment I have only a few points I would like to give to the Government.

First of all, I have to congratulate all the departments which have played a very great part in the present development of our country. Nobody has any doubt that what has been done within the six years since our independence is greater than what was done by the colonial régime during the 70 years they ruled this country. This has been achieved by our Government through the good and able leadership of our Excellency, Mzee Jomo Kenyatta. I think, and I very sincerely hope, it is the wish of all the hon. Members to give them credit for the achievements that our Government has made. That being so, I would now like to point out one of the most important points.

The first is the situation of the Central Province people; most of them are still living—and I am repeating this because it is important—in the former emergency villages. It is a high time the Government should give these people land in proper places and build them houses or lend them money to build decent houses because up to now, Mr. Speaker, Sir, the people who were affected by the emergency are still living in horrible conditions, and I hope that the Ministry concerned will take this point in view.

Mr. Speaker, Sir, another point I would draw the attention of this Government to, is roads. The roads in the rural areas throughout this country are still in a very poor condition and the Government should devote some of its money to the rural areas, where it could be used to improve road conditions so as to help people who are now devoted to farming and thus enable them to transport their produce to the towns. His Excellency has appealed to the nation to go back to the land. To go back to the land means to go back and farm, and be able to transport one's produce to the towns. It is impossible to transport this food to the towns without good roads, and I think the Government will go into this and see that they improve the condition of roads, Mr. Speaker.

The other point, Mr. Speaker, Sir, that I would like to dwell upon is to give congratulations to

the teachers who are teaching today. Teachers have done a great deal to our country by reviving most of our traditional songs. I have observed, when I have visited places like Mombasa that the people going to visit His Excellency the President, sing national songs. Also, when pupils visit the President's home at Gatundu, they sing songs that remind the nation that our tradition is most important.

Mr. Speaker, Sir, another point I will dwell upon is about self-help in the whole country. People should realize that without self-help, we cannot do anything and this spirit should be assisted and supported.

I would also, Mr. Speaker, appeal very sincerely to all our churches at the moment. We know that the slogan of *Harambee* means togetherness. I would even ask the Government to approach the churches with good faith and see that the spirit of *Harambee* is carried out in these churches and wherever prayers are said the *Harambee* spirit should always be encouraged. Mr. Speaker, Sir, I know that time is very limited and I have more material to say about this, but I do not want to go beyond the limit of time.

With these few words, Mr. Speaker, Sir, I beg to support His Excellency's speech.

Mr. Karungaru: Mr. Speaker, Sir, I would also like to join the other Members who have spoken earlier on this particular speech.

First of all I want to congratulate His Excellency, the President, on the able manner in which he made his speech. Mr. Speaker, Sir, whereas we are thanking His Excellency the President on the able manner in which he made his speech, we still feel that we have an obligatory duty which we have been charged with by the people of this nation as representatives, which we are here, in this House, to discharge.

Mr. Speaker, Sir, starting with the price of meat, I have this to say. It has been very positively shown in this country that some unscrupulous traders are increasing prices of meat to ensure they make more money, and they do not care about the people of this country. In other words, they are people who are working only for money, and they do not care about the welfare of our people in this country. Mr. Speaker, Sir, if this increase in the price of meat is coming as a result of the Ministry of Agriculture having increased the price of livestock, I would also say this: the Ministry of Agriculture have no doubt offended this nation because they should at least know how many people, who are of middle class, can afford the increase in the prices of meat. Mr. Speaker,

[Mr. Karungaru]

Sir, if you went to places like Eastlands, Kibera and Kariokor and other places where African butchers are trading, you can see that the meat being sold there has no grade, and the price is one. The price is one and the meat has no grade. No first grade meat and no one cares about inspecting meat. No one cares about going and seeing what prices are charged to our people.

Mr. Speaker, Sir, the people of this country owe this Government a lot, and the Government should know that it also owes the people of this country a lot. In other words, Mr. Speaker, Sir, if the people of this country are depending on the Government, Government should equally give the same respect to the people. I do not see the reason why we should work for money and see that the welfare of our people is abused. That is one point.

The other point Mr. Speaker, Sir, is that I hear the Assistant Minister saying “*kelele, kelele*”. I know how ignorant he is on this particular point because he is living in a mansion where these kinds of things are not being practised, and that is why he is ignorant. However, Mr. Speaker, I do not need to dwell on this ignorance which he is displaying.

Mr. Speaker, now I would also like to say something about the Vagrancy Act which was passed in this House recently. Mr. Speaker, I would tell the Government that this Vagrancy Act is not being applied properly in that, Mr. Speaker, it is practising discrimination, and you find that most of those who are affected are Africans, whereas members of other communities are not affected. For instance, Mr. Speaker, at one time I remember in that Act a clause saying that police will be authorized to enter people's houses as they are doing nowadays. We want this to be stopped henceforth. We do not want this inhuman practice to continue and we should at least know that if we treat them wrongly they will be bound to retaliate, Mr. Speaker. I hope that the police will realize this fact now that I have said that.

The other point, Mr. Speaker, Sir, is the price of our produce. The price of anything we produce in this country is very poor and discouraging. Our people have been told to go back to the land, and this is the encouragement we have. We encourage our people to go back to the land, but we also want that when they go back to the land, whatever they till there, whatever they take from their land, is sold at a good price. This point, Mr. Speaker, Sir, has been overlooked for so long and we would like the Minister for Agriculture to know this. This is an agricultural country and if we are not going to get anything from agriculture;

then we are not going to have anything that can help the growth of the economy of this country in any way.

Mr. Speaker, Sir, the Minister for Agriculture and I know he has been a Minister since 1952 ought to have known better what has been happening since then. He was a Minister even in the colonial days, and there is no dispute about it, and he is still a Minister. I fail to understand why he does not understand the problem of the marketing and so forth.

Mr. Speaker, since I have said that, I do not want to dwell on it any further. Now we still have something here in this nation, Mr. Speaker, and we have to tell the nation what is happening. We are here to represent the views of the people; that is why we are known as representatives of this House. Now we have been told that we have good transmission on our radio and the rest, Mr. Speaker, Sir. But if you tune in to Radio Tanzania in Kenya, you can hear better, more clearly than the Voice of Kenya here, and the Kenya Government spent a lot of money building another station at Ngong which does not provide the services we need. It has provided nothing, and the money of this country has been wasted. We have never been told how much money was spent on building that transmitting station. However, we are still waiting to be told what happened to that money, as we are not getting anything out of that newly-built station. Mr. Speaker, we want to be provided with the facilities—

An hon. Member: What do you want?

Mr. Karungaru: —of radio. Mr. Speaker, Sir, I can see some people displaying their ignorance, but I am not interested.

Mr. Speaker, Sir, coming up to the question of juveniles now, who are acting as traffic officers in the city here, Mr. Speaker, we thought that the Vagrancy Bill was going to take care of those children, which is not the case. These children are still misbehaving in this city and nothing is happening to them. You can see that these children have nobody taking care of them. I want the Government—and I want to appeal once again—to see that these children are made better citizens of this nation. I do not see the reason why we should have children wandering about here in the city. Mr. Speaker, Sir, we were even told that the beggars were going to be taken care of by the Bill that we passed in this House, which is not happening. There are many now in the streets of the city and I do not see how this Act is taking care of them.

Another thing, Mr. Speaker, Sir, is that we are allocating money for the *Maendeleo ya Wana-wake*. We do not see the benefits of this money and it is the high time—

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order, Mr. Speaker, I would like to inform the hon. Member that his time is finished.

Mr. Karungaru: You are interfering. I must finish up that point.

The Speaker (Mr. Slade): I allow hon. Members to finish their sentences.

Mr. Karungaru: Yes, Mr. Speaker, Sir, we do not see the activities of *Maendeleo ya Wanawake* and, instead of channelling this money to these women whose activities have not been seen, and are not on the ground to be seen, we should ensure that it is not channelled to them but is channelled to Child Welfare Society, Doctor Barnado's Home, Starehe Boys' Centre, and other organizations whose activities are well known.

With these few remarks, Mr. Speaker, Sir, I am supporting the President's Speech.

Mr. Mwamzandi: Mr. Speaker, Sir, while I am supporting the Motion, I have a few comments on the Presidential Address.

In the Presidential Address, there have been or there are some, Mr. Speaker, very important points. One is that I never knew that land registration was really being done in Kenya, until the 17th of this month, when I was at my place in two locations of (Inaudible.) and (Inaudible.) where we have now established land registration. This, Mr. Speaker, is a very important move which the President has started because now we shall have at least security whenever we want a loan from either the Government or the banks. So, Mr. Speaker, I really appreciate the Policy Statement on this fact that I saw these things in action at my own place. Mr. Speaker, Sir, as I said yesterday, I need a lot of time to discuss these things, but as I am only given ten minutes, I will try and speak as quickly as possible.

Mr. Speaker, here I feel very ashamed whenever I see the Presidential Speech, either outside or inside this Parliament, not being taken seriously. We, Mr. Speaker, were told at a public rally last year by His Excellency the President that some of the public who cannot afford to pay graduated personal tax of Sh. 48 would be paying Sh. 24. Mr. Speaker, although this was a promise from the Government, it was never effected until we made a fuss in a Kanu Parliamentary Group. I wonder, Mr. Speaker, why the Presidential Address, or any promises, are taken so lightly.

Another thing, Mr. Speaker, is about another public rally where the President stated that anybody, who found a man in bed with his wife,

should kill that person. Mr. Speaker, we expect such things spoken by the Leader of the Republic of Kenya to be taken seriously and implemented immediately. It was the duty of this Government, Mr. Speaker, to introduce immediately, a Bill to this House that anybody who killed somebody who was committing adultery with his wife should not be convicted of murder. We have never heard of it. Another thing, Mr. Speaker—it has been repeated again and again by His Excellency the President—is that the thugs in this country are bringing irritability in this country. It is true, Mr. Speaker. Furthermore the President says that these thugs should be—when they are convicted of theft with violence—sentenced to death. We expect, or the public would like to see this in action, Mr. Speaker, as this was uttered by a leader of the Republic of Kenya. We find now, Mr. Speaker, that instead of seeing a Bill here to sentence these people to death when they have tried to steal with violence, with guns and ammunition, and here the President says, Mr. Speaker, we shall take action unless there is a further significant decrease in the number of these crimes, the Government will very soon have no hesitation in bringing sterner measures into force. He had already, Mr. Speaker, Sir, promised this. So we expect the Office of the Attorney-General to introduce a Bill immediately so that we see whatever was uttered by His Excellency the President is taken into account, and very seriously. It is very shameful, Mr. Speaker, when we hear a speech by the leader of the country and then another man says that it is just propaganda. We should not have any propaganda from the leader of the State; we want to see it in action. Another thing, Mr. Speaker, which has been mentioned here, is about the Trade Licensing Act. This, Mr. Speaker, is becoming useless now—I can say that. It is not as we hoped it was meant to be, Mr. Speaker, and I have seen some Asians who were served with notices to close up their shops, still trading. It is true that their licences were not renewed immediately but we saw later on that the wives of these Asians were left to reopen the shops. The Act plays very little part there. The aim of the Government was to make room available for the local Africans in the country to do business. If the wife of the Asian businessman who was served with a notice to close down is given a licence and allowed to continue running the shop—for the husband whom we thought should have gone to his motherland—then we realize that the Trade Licensing Act is being abused completely. Mr. Speaker, anybody served with such notices should not be allowed to continue in business, these notices should be respected and no licences should be given again on some unimportant grounds.

[Mr. Mwamzandi]

Mr. Speaker, on the last point I wish to emphasize the question of Africanization. It is true that Africanization is being effected, but now we have another kind of Africanization. We have Africanization of the African people. This is happening, Mr. Speaker. We have seen Africans taking over posts already occupied by Africans. This is particularly happening with people from up-country.

At the moment we are very busy with our Mombasa struggle, and so we can see very little of what is going on. We are busy quarrelling. At the same time we are quarrelling that our friends from up-country are taking over businesses, important posts occupied by our people; they are making use of our quarrelling to uplift their own people from up-country.

Mr. G. G. Kariuki: Then stop quarrelling.

Mr. Mwamzandi: I was told here that the Minister for Agriculture was going to reorganize certain things. We already had a local provincial agricultural officer there, a man by the name Eno Kamravi. The Government wanted to put a provincial director of agriculture here. This man is fit to do this job and that is why he is a provincial agricultural officer, and he has been in the service since 1965. He had gone overseas with somebody and then they returned together. These were two people with the same qualification, one was already there as a provincial agricultural officer, that is Kamravi and the other was a provincial agricultural officer somewhere up-country. This man from up-country was taken to the Coast to be our provincial director of agriculture, to be over the same person who has the very same qualification. That is why we say that Africans from up-country are enjoying progress because of our quarrel at the Coast. If we had not been quarrelling, we would have seen these small things happening. We would not like to have this kind of Africanization, sending one African to take over a post where there is already an African. We would like to see Africanization in the sector where there is no African. I do not think this should affect a class of people who are *jinga jinga* or who are, perhaps, quarrelling so that other Africans can enjoy or benefit because of this quarrelling. This should not happen.

Mr. Speaker, this problem is created by people who would like to have these privileges. We would not quarrel among ourselves if these things were not initiated, were not encouraged by some people who would like to take over business at the Coast, take over some important

jobs while we are spending this time quarrelling amongst ourselves. We shall soon change our ways and unite, and then we will see that the Coast is no longer taken to be *jinga jinga*.

The Speaker (Mr. Slade): It is the end of your time, Mr. Mwamzandi.

Mr. Mwamzandi: With these few remarks, Mr. Speaker, I beg to support.

Mr. arap Biy: Mr. Speaker, I hope I will have 20 minutes because I can see that no other Member is interested to speak.

The Speaker (Mr. Slade): Only ten minutes.

Mr. arap Biy: I have only a few points to raise on this speech of His Excellency the President of the Republic of Kenya. I would like to welcome the Africanization which has taken place in this country, which His Excellency the President also appreciates and talks of very highly. But, Sir, this Africanization should be looked into carefully because we would not like to see all the important posts being Africanized, and that is the end of it. We would also like to see efficiency because if it is only Africanization for the sake of Africanization, and the quality of work which has been carried out, or is being carried out by those who have been there for some time has gone down, then the citizens of this country will not be happy at all.

Furthermore, Sir, this Africanization should not be the privilege of one particular community. This Kenya is for all; it is for all Kenyans because we speak of one nation and we cannot speak of one nation when we still see some tribalism being practised. Many warnings have been given in this House because this House is the place where the representatives of the people can speak on behalf of their electors. Usually they speak on concrete examples, things which are going on.

Mr. Speaker, I was happy when I heard of the Africanization of the entire army and defence; but I was rather surprised to hear of one particular community taking the whole umbrella of the army. In saying this I mean it starts from the No. 5 person to the No. 1 person. This is rather unfair. We are all Kenyans and we would like to see a stable Kenya. I do not think that those who were promoted are the only people who have served for many years in the army. There are some other good soldiers who have also served for many years, for over 20 years. For the information of the Members, I know of a good number of Kalenjin soldiers who have really been doing very well in the army, they have been on an equal footing with

[**Mr. arap Biy**]

the soldiers of the Kamba tribe. However, none of them were considered at the time of promotion. It is very disappointing to see this. I would say that every Kalenjin in this country and outside Kenya is very disappointed. This applies not only to the Kalenjin but also we have brothers like the Kisii, the Meru and the Masai who have also been serving in the army for quite a good number of years but not one of them was considered for promotion. It was obvious that our brothers the Kikuyu just went in and had everything about five years ago and now we know of somebody who is holding a very high position in the army. This is ridiculous, Mr. Speaker.

Mr. Speaker, let us Africanize, and in doing this let us have Kenya at heart. We cannot encourage tribalism and then say that we are building one united Kenya. How united will Kenya be when we ignore the services of some tribes of this country? This is very serious indeed. Of course, Mr. Speaker, I do not doubt the efficiency and integrity of those officers who have been appointed and promoted, but I am sounding a note of warning that next time when any promotion is due to be given, let the other tribes who have not been considered so far be considered.

I would like now to discuss these ambassadorial positions. There was a Kalenjin Ambassador in Peking some time ago, up to last year, and when there was this domestic quarrel in Peking he was recalled home for what the Kenya Government termed as consultations. Up to now consultations are going on and the gentleman in question is still sitting at his home. I do not know whether he is still employed, whether he is getting even a penny from this Government. The Government should tell us why such a man who has been given the title of His Excellency can just be removed overnight and left just like that. That is a big shame. We would like to know whether this man made a mess when he was holding this position. Let the Government come out in its true colours and tell us that So-and-so did this and that, he was corruptible. If this man was corruptible, why was he not taken before a court of law and charged? Mr. Speaker, I think this should be looked into. This is a challenge to the Government. I would not like to see— I am sorry to be mentioning tribal problems here. When this gentleman who was in New York asked for the termination of his services, he was replaced by— I think you know who it was.

Hon. Members: Who? Who was it?

Mr. arap Biy: He was replaced by Mwangi and Kinyanjui. This is terrible.

Mr. Speaker, let us distribute these posts. If you want to take all the Ministries in Kenya, then at least give us the ambassadorial posts. This would make things better. I would like to warn my friends who will be Ministers tomorrow, like the hon. Wariithi, that he should not think only of his own brothers and sisters. Let us have Kenya for all Kenyans, let all the positions be for all the Kenyans.

Mr. Speaker, Sir, His Excellency the President talked about unemployment. This unemployment situation in the country is very irritating and we would like to see something done, and done right now. Otherwise, when this Parliament is dissolved and we go out to face the public they will ask us—as Kanu supporters, as Members of the Kanu Government which has been in power for the last seven years—what we have done for them, what employment facilities we have really arranged for our own people, for our own youngsters. I think the Ministry of Labour and the Ministry of Economic Planning and Development, and other Ministries concerned, should sit down and formulate a policy whereby unemployment could be combated as soon as possible. When we come to the distribution of loans, I would like to protect those Africans who have taken over property and other business in the city. They came forward—I am a member of the Industrial and Commercial Development Corporation, I am one of the directors—and sent us their applications and we considered them accordingly and we gave them loans. Some of them received Sh. 100,000, and some Sh. 300,000 because they came forward.

How many Kisii applied for a loan in the city here? How many Luo? How many other tribes? Let us not blame the Kikuyu alone that they are taking everything. The other tribes never apply. It is the fault of other tribes also. I am honest and I do not want to blame the Kikuyu because they are taking up everything, but the other tribes should come up and apply for loans. We have never rejected any application because it comes from a Kalenjin or a Masai.

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

Mr. Wariithi: Mr. Speaker, I would like to join my colleagues in thanking His Excellency the President for the speech he gave in this House and which to my mind contained a summary of what has been done and what the Government intends to do.

I would like to start on a note which the last Member has spoken on at length. I think he defeated his own argument towards the end. He recognizes that in certain cases if people of a

[Mr. Wariithi]

particular tribe take the initiative to come forward, and take the trouble, they should not be ignored simply because they come from that tribe. By this I mean even in other posts you have to take, to be realistic, and accept whether you like it or not—I am not a tribalist myself—we must face the realities. In this country, for many years the Kikuyu had an advantage over other tribes. In the field of education, in development, even in business, and that is why if you take the average you find they are in the majority in some of these cases. I would like to say that even if you go to the hospital, or to the prisons, or to the mental asylum, they are there in plenty and, therefore, you would expect on the law of probability that in any given field they are likely to predominate, not because they are favoured, there could be a few cases of favouritism which I abhor. If they happen to be able, merit it, have experience then I do not think they should be left out simply because they are Kikuyu.

Mr. Speaker, this is a subject I do not like talking about but sometimes somebody provokes you and you say certain things which they may not like. Like my friend here, his people did not come forward for loans. Nobody stopped them; so if the Kikuyu come forward and get them, why should a grudge be held against them?

Mr. Speaker, I would like to say this. During the last six years in this House we have passed many pieces of legislation. Some of them are very good laws, but others we will live to regret. Two of them come to mind. There was the law we passed where we said that if you change your party you have to resign from the House and go and seek re-election. To my mind that was a very sad piece of legislation and it showed there was a fear of some kind, and I hope one day that some sense will prevail with Members of this House, or the Government, and we will repeal that law.

The other one is the one which we passed recently in which we said we would not allow any candidate who is not sponsored by a party to stand. This, to my mind, was a very bad piece of legislation which has caused this country a lot of trouble. The reason why some of us are against that piece of legislation is because of what we saw in the local authority elections. The reason why some candidates were not allowed to stand *en masse* because they could not fill in the forms, was simply because of that legislation. One party knew that if you disqualified all the KPU candidates because you say they cannot fill in the forms, and you cannot stand as an independent, all the Kanu candidates would go in un-

opposed. To my mind that was a very bad piece of law, which was misused and which has caused a lot of trouble in this country.

What has been said about these primary elections is giving everyone a headache, and this is simply because of this law we passed. Had we allowed parties to have their own candidates, and anyone who wanted to stand to stand, there would be no need for these primary elections. Now we are in a kind of dilemma, and we are fighting over it; how are we going to do it, and who is going to take part? This is all simply because of the law we passed and which has caused a lot of confusion and trouble in this country. In my mind, I would recommend very strongly that the Government should consider to go back to where we were in 1963 and allow free elections, allow people to stand if they want to stand. Let Kanu put up their own candidates, and the KPU their own candidates, and those who are not satisfied and feel they have support then let them stand. What is wrong with that? As I say this law, as it is now, brings in the necessity of primary elections. It is known that some people want it and others are opposed to it. We should allow freedom of elections, and allow the people to select the people they want, let them exercise their vote; but what we are doing is to control and direct the citizens of this country as to how they are going to exercise that vote. I believe fundamentally it is wrong, and, in fact, is against the spirit of the Constitution where we allow a person freedom of association, of thought, and of the stand he would like to take.

Having said that, Mr. Speaker, I think these comments will be considered later by the Government.

The other point is on roads. I have said this before, that we are defeating the purpose of development. We tell our people to go back to the land, to grow more crops, to cultivate their *shambas*, but we fail to provide means of transporting what they grow to the markets, I represent a constituency which is very badly served by roads. No bridges and no roads to the main market centres. Whatever they grow rots in the fields and they cannot sell it, and the spirit of working hard is killed. I would say that instead of saying the county councils should be responsible for the roads, the Government should step in; and in all cases where the roads or the bridges join two districts, or join a major road to the market, these should be taken over by the Government. We have passed a Motion here saying that all secondary roads should be taken over by the Central Government, but up to now I do not know what has been done. I know this is

[Mr. Wariithi]

a problem all over the country. In the settlement schemes the people are working very hard but they cannot sell whatever they are producing.

The Vagrancy Act, Mr. Speaker, is a thing which I was opposed to, and am still opposed to, particularly on that portion which deals with unemployment, and with people who cannot provide sufficient means of livelihood. I say it is wrong because our Government has failed to provide employment to able people. People who have left school, School Certificate people, remain here in Nairobi for a year and they cannot obtain employment. It does not stand to reason when the Government tells somebody that he has not got a job and he should go back to the reserve. This person will not work because the Government cannot give him a job. When you send him to the reserve, what is he going to do? Even if it is the question of the prostitutes who are supposed to be vagrants, when you send them to the reserves, it is a fact that they come back the following day by car. If they are sent back to Nyeri, the following day they are here.

Apart from that, what is more serious is that by sending prostitutes to the reserves without any medical attention you are spreading prostitution all over the country. I would have liked them to stay in the towns where they can be treated; but when you send them to the reserves where they come from, this does not stop them from continuing with whatever trade they carry out. I believe this is a big mistake which the Government should consider. The Vagrant Act, if it is used with beggars and people whose behaviour is not up to date, that I have no quarrel with. But with the section who cannot find jobs and the Government cannot provide jobs, you could even say prostitutes which the Government cannot employ, I do not think it is proper at this stage when there is so much unemployment, when there are people who have left school, who have wasted all their money and they cannot be employed.

Coming to my last point under the Trade Licensing Act. I would like to support the Government in their moves on this Act, but it has certain difficulties, and one of the major ones is that you find a trader who is not a citizen is asked to stop trading in a given area. Take Nairobi for instance. You say he cannot trade in River Road but he can trade in Government Road. To my mind this does not make sense. If he was in River Road and he is not given a licence there, and then he can come to trade in Government Road—that means you defeat the purpose of the Act. When he moves to Government Road he will move with his customers and

the new African businessman who has taken over will not be able to do good business. I think the policy should be that if you find it fit to declare that a person should not be given a licence because he is not a citizen then he should not be given a licence anywhere else on a similar basis. It will not be effective if he can go on changing from one line to another; and if he goes to another line, then that is probably going to displace somebody. I would recommend that the Act should be amended. If it is found that a person should not trade in any part of Nairobi, and he should not be allowed to move from River Road to Government Road.

The other thing which is also becoming a big drawback to African traders is the question of rent. I know I am the Chairman of the Rent Tribunal, but this does not deal with what I am going to say. It happens that if a tenant is served with a notice not to continue trading then he vacates the shop for the new tenant who is coming and invariably the landlord takes the chance of increasing the rent, and in many cases they are demanding three or four times the rent which was being paid previously. This is a thing which is very disturbing. In fact it has been reported in the Press, Mr. Speaker, that many traders in Nairobi, in Thika and all over the place are complaining that when a tenant goes out, the landlord who, in many cases, may be a non-citizen, will insist that the incoming tenant should pay a higher rent and this makes it very difficult for the new Africans who are going into business.

With this I support.

ADJOURNMENT

The Speaker (Mr. Slade): Hon. Members, I think it will be for your convenience if we adjourn now. The House is therefore adjourned until tomorrow, Friday, 23rd May, at 9 a.m.

The House rose at twenty-six minutes past Six o'clock.

WRITTEN REPLY TO QUESTION

Question No. 38

NATIONAL AND DISTRICT FARMING TROPHIES

Mr. Mbogoh asked the Minister for Agriculture:—

- (a) Whether the Minister would establish national and district farming trophies to be awarded to the best farmers of the year in the Agricultural Society of Kenya Shows in recognition of His Excellency the President's call to go back to the land.

[Mr. Mbogoh]

(b) Would he be prepared to call the national trophy "The Kenyatta Cup" and would he allow other distinguished leaders from the districts to donate cups in their names.

The Minister for Agriculture (Mr. McKenzie):

The following are the trophies available for farm competitions held under the auspices of the A.S.K. I am sure that the hon. Member will agree that what he has asked in this question is therefore being done.

1. DISTRICT SHIELD COMPETITION

This competition is held annually in the following districts of Kenya:—

| | |
|-----------------|----------------|
| Nyeri | Kwale |
| Kirinyaga | Tana River |
| Kiambu | Lamu |
| Murang'a | Kakamega |
| Nyandarua | Busia |
| Elgeyo/Marakwet | Bungoma |
| Nandi | Central Nyanza |
| Kajiado | South Nyanza |
| Kericho | Siaya |
| Baringo | Kisii |
| West Pokot | Embu |
| Kilifi | Machakosi |
| Taita | Meru |

Isiolo and Meru will be included in this competition in 1970.

District shields and bronze medals are awarded to the best farmers in each district, the D.A.O. selecting the best three farms in his area for final judging, and the presentation is made at the winner's local district show.

No entry fee is charged.

2. PROVINCIAL FARM COMPETITION

This competition is also an annual event, held in every province in Kenya, as listed below:—

| | |
|------------------|------------------|
| Western Province | Central Province |
| Nyanza Province | Central Rift |
| Eastern Province | Coast Province |

The winner of each District Shield competes in this competition for the Provincial Cup award.

The Provincial Cup winner receives the silver cup itself, a miniature which he can keep, prize money from the Commonwealth Development Corporation amounting to Sh. 200, and one year's free membership of the A.S. of Kenya.

The runner-up in the Provincial Cup Competition receives a silver cup and prize money amounting to Sh. 200 from the Commonwealth Development Corporation and the Maize and Produce Board.

The presentation of the Provincial Cup awards takes place at the Nairobi Show, the winners and runners-up receiving complimentary tickets to attend the Show.

No entry fee is charged.

3. GOLD MEDAL COMPETITION

The farmer must have owned his farm of more than 500 acres for more than five years, and an entry fee of Sh. 100 is charged.

Prizes awarded are as follows:—

| | |
|------------|----------------------|
| Winner: | Gold Medal and £100 |
| Runner-up: | Silver Medal and £50 |
| 3rd: | Bronze Medal and £25 |

In addition there are prizes in kind from:—

The Seed Company Limited
Standard Bank
Twiga Chemicals Ltd.

4. GOLD MEDAL (NOVICE) COMPETITION

The farmer must have owned his farm of not less than 100 acres for not less than two and not more than five years, and an entry fee of Sh. 50 is charged.

Prizes awarded are as follows:—

| | |
|------------|-----|
| Winner: | £50 |
| Runner-up: | £25 |
| 3rd: | £10 |

Prizes in kind are awarded by:—

The Kenya Seed Company Limited
Standard Bank
Twiga Chemicals Ltd.

5. LONG SERVICE AWARDS

Certificates and life membership badges are awarded to agricultural employees, subject to certain conditions.

6. NATIONAL PLOUGHING CONTEST

The Kenya National Ploughing Contest is now held annually in November, the winners of the District Heats going forward to the Finals.

A trophy was presented to A.S. of Kenya for award to the Champion Ploughman of Kenya.

Farm competitions are run in nearly every district of every province, and the winners in every district receive their shields and medals at each of the Society's district shows, and the winners and runners-up in every province are presented with their awards on Members' Day at A.S. of Kenya Annual Nairobi Show.

There would, therefore, appear to be no need for any further awards of this nature, but should the hon. Member consider the idea sound, then I suggest that perhaps he and other hon. Members within their respective districts might be prepared to endow certain of the district trophies annually.

Friday, 23rd May 1969

The House met at Nine o'clock.

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

PRAYERS

COMMUNICATION FROM THE CHAIR

MONDAY SITTINGS

The Speaker (Mr. Slade): Hon. Members, it has come to my notice that hon. Members, and even some members of the staff of the National Assembly, are under the mistaken impression that this House will not be sitting next Monday, the 26th May. This I understand, is due to a recent resolution of the Kanu Parliamentary Group that we should not, in future, sit on Mondays, though no such resolution has yet been brought officially to my notice.

There are some matters which cannot be decided merely by resolution of a parliamentary group, however strong; and this is one of them, because it is a matter which is covered by Standing Orders.

Standing Order 17 provides, among other things, that the House shall meet on Mondays, unless, for the convenience of the House, Mr. Speaker otherwise directs. For reasons that I shall give you, I am far from satisfied at present that it is really for the convenience of the House that we cease to sit on Mondays during the remaining weeks of this year. We shall, therefore, continue to sit on Mondays unless and until Standing Order 17 is altered by resolution of this House.

Moreover, the Speaker has a claim to be consulted before any Motion for such alteration of sitting days is presented to the House. That is not merely a matter of courtesy. It is also his duty to ensure, so far as he can, that the House sits on sufficient number of days in each year to complete all that it has to do, without undue inconvenience either to hon. Members or to the staff of the National Assembly.

If this proposition that we cease to sit on Mondays had been made and accepted at the beginning of the current year, it might have been possible to arrange a convenient programme of parliamentary business for the year accordingly. Now, however, that 20 weeks have passed with only three weeks of sitting, it will be practically impossible for the House to deal with the normal volume of Government business in the 32 weeks that remain, unless we sit on Mondays or for longer hours on Tuesdays, Wednesdays and Thursdays.

Experience of the past two years, since the National Assembly first met as one House, has shown that the average number of days required for Government business in each year is 96 days. During this year, so far, we have only had 12 Government days; which leaves 84 Government days—including 30 days spent on the Budget—to be covered in the remaining 32 weeks.

If then, we do not sit on Mondays, we have only three Government days in each week; and so we shall have to sit for 28 weeks. That leaves only four weeks for recess during the remainder of this year. Allowing for the normal three weeks of recess between Jamhuri Day and New Year, that would leave only one week for recess during the rest of the year.

Even if we continue to sit on Mondays, we shall be quite hard pressed, with only eight weeks for recess between now and Jamhuri Day.

The only alternatives are to curtail Government business, which may not be possible; or to curtail unduly the normal discussion of Government business, which I am not prepared to entertain; or sitting for longer hours, which does not, I think, appeal either to hon. Members or to the staff.

These are my reasons for not directing that we do not sit next Monday, and for urging hon. Members to think very carefully before resolving to make any such alteration in Standing Order 17 for the remainder of this year.

We shall, in any case, continue to sit on Mondays unless and until that Standing Order is amended by resolution of this House.

Mr. Kebaso: Mr. Speaker, Sir, while thanking you for all these notes you have made and the information you have given us about Standing Order 17, would it be in order in future, instead of this House being dictated to by the Sessional Committee without being referred to, you give a ruling that all proceedings of the Sessional Committee be confirmed to this House?

The Speaker (Mr. Slade): Mr. Kebaso, you are referring to the activities of the Sessional Committee, I think. The duty of the Sessional Committee is to order the programme of business of the House according to the normal sitting days, which someone must do, and also to make recommendations to the House for any variation of ordinary procedure. Now, it is quite in order for the Sessional Committee, which is representative of the whole House, to discuss and decide, in its wisdom, that some sort of change is necessary for the convenience of Members. If it does so decide, no action is taken until a Motion is brought to the House to give effect to that decision of the Sessional Committee. Therefore, you need have no fear of the powers of the

[The Speaker]

Sessional Committee; it is there to do what it is appointed to do as representative of the whole House, or to bring propositions to the House which it believes to be in the interests of the whole House.

Mr. Ngala-Abok: Mr. Speaker, Sir, would I be in order to correct this impression that the Parliamentary Group discussed that we should not meet on Mondays? In fact, we never did so as I was there. The Chief Whip alleged that the Sessional Committee had already passed that we should not be meeting on Mondays and the matter stopped there. Therefore, the Parliamentary Group never discussed that issue.

The Minister for Natural Resources (Mr. Nyagah): Mr. Speaker, may I ask that silence is not consent?

The Speaker (Mr. Slade): I do not think we need pursue it any further now. There may be some doubt as to what the Parliamentary Group decided—of course, I was not there to know—but whatever was decided, the position now is as I have described to the House.

NOTICE OF MOTION

DISSOLUTION OF PARLIAMENT

The Member for Gem (Mr. Sijeyo): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT, in view of the existing political confusion in the country and in view of the fact that the Kanu Government extended the life of Parliament contrary to the wishes of the public, this House urges the President of the Republic to dissolve Parliament and to declare a general election this year.

Mr. Ondiek-Chillo: Why are you not supporting today? Why are you quiet?

The Speaker (Mr. Slade): Order! Order! That is a group Motion, Mr. Sijeyo?

The Member for Gem (Mr. Sijeyo): Yes, Mr. Speaker.

ORAL ANSWERS TO QUESTIONS

Question No. 28

POLICE AIRWING DAKOTA CRASH

Mr. Karungaru asked the Vice-President and Minister for Home Affairs if he would tell the House:—

(a) What had been the cause of the accident and crash of the Kenya Police Airwing D.C. 3 Dakota plane, in the suburban area of the city on the 19th December 1968, which had resulted in the deaths of all its three occupants.

(b) What had been the value of the said plane and whether it had been insured. If it had been, how much money had been recovered against the loss.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Matano): Mr. Speaker, Sir, I beg to reply. The cause of the crash is at present the subject of an inquiry by the Aircraft Accident Investigation Board. Originally, the aircraft was provided as a gift by the American Government. It was due for a life overhaul at a cost of approximately K£11,000 and its market value would therefore have been small.

As in all Government vehicles, the aircraft was not insured, but the officers were fully covered. The Kenya National Assurance Company has already been notified about this matter.

Mr. Karungaru: In view of the fact that the Minister had earlier told the House that an inquiry will be made; that means that investigations on this matter will be made, how soon will this be reported to us, because it is very important? We would like to know the cause and so forth.

Mr. Matano: Well, Mr. Speaker, Sir, the Ministry is very well aware of the anxiety which the Members have and how keen they are to know the results of this inquiry, and we shall certainly give the details as soon as we are able to do so.

Mr. Jahazi: Mr. Speaker, Sir, will the Assistant Minister confound the rumour going around town that, this plane crashed because it was badly overloaded?

Mr. Matano: Mr. Speaker, Sir, it is true that the plane was carrying goods for the North-Eastern Province servicemen, but the fact that it was overloaded, has not yet been established.

Mr. Karungaru: Arising from one of the replies, that the Assistant Minister has given to this House this morning, is he not aware that, by Government refusal to take insurances on all the Government vehicles, the Government is losing its money and public money; and it should now start to insure all the vehicles and all the planes that are the property of the Government?

Mr. Matano: Mr. Speaker, Sir, it sounds as if it is a different question. However, all the Government vehicles are covered. They may not be insured in the same way as my car or your car is insured, but they are covered somehow.

Mr. Munyi: Mr. Speaker, Sir, is it not true that our Government, some years ago, did establish a National Insurance Company, which should have insured this particular aeroplane or any other property which is owned by the Government?

[Mr. Munyi]

Therefore, on the part of the Government, it was a question of negligence. Action should be taken in future to see to it that something is done for the interest of our Government and for the interest of our people.

Question No. 49

COMPANIES REFUSING TO AFRICANIZE

Mr. Munyi asked the Minister for Commerce and Industry, if he would tell the House—

(a) what action did the Government take against those companies and other private firms, who had deliberately refused to comply with the Government's directive that their staff should be Africanized;

(b) how many cases of this nature had been reported.

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, Sir, I beg to reply.

As to the first part of the question, Mr. Speaker, we are aware of a number of firms which have adopted various manoeuvres in an effort to delay the programme of Africanization of their staff.

Mr. Speaker, where any such manoeuvres have been discovered, the Government has ensured that its programme is obeyed and followed. The hon. Member may be aware that from about three months ago Government started calling up for work permits for each industry separately so that each category of industry is being scrutinized very carefully and individually.

Mr. Speaker, Sir, it is impossible to reply to part (b) of the Question, in view of the fact that we really have no category of people or firms whom we classify as deliberately refusing to comply with the Government policy but we have, as it were, a number of complaints regarding different companies.

Mr. Munyi: Mr. Speaker, Sir, arising from one of the answers, is the Minister aware that the question of merit does not arise, because at present we have got so many school leavers, with Cambridge School Certificate and many with degrees, who can be recruited to take over all these responsibilities in companies; but the companies deliberately refuse our people the responsibilities in most of the posts.

There are many people who are roaming about; both School Certificates and degree holders, therefore it is high time, Mr. Speaker, Sir,

that the Ministry did something to force the companies to take our people. This is one of the ways by which—

The Speaker (Mr. Slade): Order! Order! That is enough by the way of question.

Mr. Kibaki: Mr. Speaker, Sir, while we are very impressed with this long speech, we must not, as I have always said, deliberately create a false impression or false hopes amongst the people. We have got to distinguish between two factors. First, that there are difficulties of unemployment, no one is hiding that factor. It is so obvious to all of us, particularly those who live in town.

Mr. Speaker, Sir, there is a separate problem of replacement of expatriates by local people. This programme is being pursued very vigorously. In fact, in the report published by the Ministry of Home Affairs, will show the numbers that were denied work permits last year.

It will also show, Mr. Speaker, that any new company establishing itself here, is only allowed to bring the people who are in a category that is not available locally. It will also show that these categories of jobs that can be taken by school leavers without any training, are quickly being filled up.

The problem which the hon. Member is posing in his long speech arises because, in this year, 1969, these category of jobs that can be filled with people without training, are dwindling. Therefore, Mr. Speaker, only the general expansion in the economy, is going to assist in absorbing these people.

Mr. Munyi: But when?

Mr. Kibaki: Mr. Speaker, Sir, if the hon. Member thinks that he can sit there and generate development by talking, he is cheating the people. He should get down to work.

Mr. Mwalwa: Arising from one of the Minister's reply, can the Minister give us a specific answer (Inaudible.)

Mr. Tsalwa: We could not hear him at all because he was standing away from the mike.

The Speaker (Mr. Slade): Repeat your question. Mr. Mwalwa.

Mr. Mwalwa: Arising from one of the answers from the Minister, can the Minister give us a specific answer about some of these dwindling jobs that he feels that are being filled?

Mr. Kibaki: Mr. Speaker, Sir, I am not aware and I do not understand the English of the hon. Member. Could he be specific?

Mr. Mwalwa: I am prepared to clarify my question. Mr. Speaker.

Mr. Oduya: Mr. Speaker, Sir, the Minister has told us that the jobs which are taken by the people who are not trained are dwindling. May we know whether the same problems the African school-leavers face in this country also affect citizens of other communities, like Indians and Europeans, because we do not see those school-leavers loitering here? What is his answer?

Mr. Kibaki: Mr. Speaker, Sir, the regulations about employment as applied by Government, apply to all citizens equally.

Mr. Speaker, Sir, I am sure the hon. Member is saying that he is waiting for the day when he will see a lot of citizens of other races of non-African origin loitering on the streets as well. I mean, Mr. Speaker, Sir, we shall wait together.

Mr. Shikuku: Arising from that reply which shows clearly that the Minister himself is a stumbling block to Africanization, will the Minister tell us that from among the school-leavers who are citizens of this country, namely the black man, the white man and the brown man, this dwindling of jobs given to the Africans is also dwindling for the white and the brown man in this country? That is the specific question. How is it that they are not going without jobs? Is it only the black man?

Mr. Kibaki: Mr. Speaker, Sir, I must not get confused by the hon. Member who is the Chief Whip. I said that the categories of jobs in which we are replacing non-citizens by citizens are those categories which can be taken by people who are not specifically trained, were dwindling. This is quite distinct Sir, from saying that the availability of job opportunities in the economy as a whole is dwindling. That will be false. The availability of the jobs in the economy is not dwindling because the economy itself is expanding. I did say Sir, since there was only a specific number of non-citizens occupying certain jobs that could be filled without training those particular opportunities would dwindle as we replace the non-citizens. It is common arithmetical sense that these opportunities will dwindle because the non-citizens are being replaced one by one. The moment we employ through the Kenyanization Bureau, 100 people, then there will be those 100 opportunities less for non-trained people. This is all I said Sir, I never implied that the opportunity for jobs in the whole economy was dwindling. It will be false to imply so. It is not dwindling, on the contrary, it is expanding at a rate of well over 60 per cent per annum.

NOTICE OF MOTION FOR THE ADJOURNMENT

MATTER OF REPLY TO QUESTION No. 49: AFRICANIZATION IN COMMERCIAL SECTOR

Mr. Karungaru: In view of the fact that this question has been answered in a very queer way, and that the House has been left in a shadow of doubt—

The Speaker (Mr. Slade): Order, you want to raise it on adjournment?

Mr. Karungaru: It could be in order to raise it on a Motion of Adjournment.

The Speaker (Mr. Slade): Mr. Munyi, have you agreed?

Mr. Munyi: I give it more than a hundred per cent support, Mr. Speaker, Sir.

ORAL ANSWERS TO QUESTIONS

Question No. 7

DRUNKENNESS OF HOSPITAL EMPLOYEES

Mr. Godia: asked the Minister for Health if he would consider discouraging drunkenness among the staff working in the hospitals by inducing the sober workers by easy terms of promotion.

The Minister for Commerce and Industry (Mr. Kibaki): On behalf of the Minister for Health, I beg to reply. The Minister is not aware of any drunkenness by the staff on duty working in hospitals.

Mr. Godia: Mr. Speaker, Sir, arising out of the unsatisfactory reply by the Minister, I personally do not wish to embarrass any staff of the Ministry of Health. Will the Minister, therefore, warn his staff through this House, that he empowers the police, the administration, and the public to arrest and convict any of the staff found drunk while on duty?

Mr. Kibaki: Mr. Speaker, Sir, if one might speak on behalf of his very hard-working people in hospitals who have to work long hours because of the shortage of staff we have, Mr. Speaker, Sir, I must reject the insinuation by the Questioner that there is general drunkenness among the members of hospital staff on duty. Mr. Speaker, Sir, there is a staff regulation which regulates how the people employed by this department should work. If any particular staff member is found contravening these regulations, such as coming on duty drunk, disciplinary action is taken in regard of that particular member of the hospital staff.

Mr. Speaker, Sir, it is entirely false and in fact, in very bad taste for a Member of this House to insist that all the members of the hospital staff, who are very hard-working, and

[Mr. Kibaki]

work longer hours than anybody else go on duty drunk, and that he wants us to go to the extent of stationing police officers at the hospital. Mr. Speaker, Sir, he also wants the Minister to go further and direct that some specific people be convicted and punished. There are courts of law for any specific offence.

Mr. Speaker, Sir, the hon. Member should really thank those who are promoting development, not only by talking but by doing certain obvious jobs. Mr. Speaker, Sir, we are very proud of our hospital staff.

Mr. Omweri: Mr. Speaker, Sir, while the Minister is content with the answer he is giving to the House, and while he is trying to meander around with the issue, would the Minister come to the question and answer the question, which is whether it would be possible to consider the sober fellows for promotion who put more effort into the duties because of their good merits as compared to those who happen to be drunkards? The question does not allege that all the staff are drunkards. That is a wrong interpretation of the question. The question is actually comparing—

The Speaker (Mr. Slade): Point of order! It is too long, Mr. Omweri.

Mr. Kibaki: Mr. Speaker, Sir, as I said, there are normal rules in the process of promotion of any officer in any department, not only in hospitals but in all the departments. The question of whether that particular member of the staff comes on duty regularly, is sober, is hard-working, or shows a good attitude towards the public, all these are considerations taken into account in considering whether a member of the staff is to be promoted or not. If the chap is regularly and habitually drunk, it is quite clear that it is going to be marked against him. Therefore, Mr. Speaker, Sir, this question could arise in the mind of any sober-thinking Member of this House. It is very important that we too keep sober.

Question No. 19

PRICES OF FERTILIZERS

Mr. Khaoya: asked the Minister for Agriculture if he would tell the House, in view of Government's announcement of a ten shillings subsidy per ton of fertilizers, what would be the price of one cwt. bag of phosphate single and double, and what for 2 cwt. bag of ammonium sulphate.

The Assistant Minister for Agriculture (Mr. Murgor): Mr. Speaker, Sir, I beg to reply. The following are the prices for one cwt. of phosphate.

| Names | Prices in Sh. |
|-------------------------|---------------------|
| Single Super-phosphate | 14.65 per cwt. bag. |
| Double Super-phosphate | 30.00 per cwt. bag. |
| Sulphate of Ammonia 21% | 86.00 per cwt. bag. |

All the above prices are applicable in Kisumu and surrounding districts. There are also net prices after deduction of the Government subsidy at the rate of Sh. 5 per unit of PO₂₅ and Sh. 2 per unit of nitrogen water soluble phosphate.

The hon. Member should know that it is incorrect to say that the Government subsidy is Sh. 10 per ton of fertilizers because it depends on what fertilizer and what mixture you have. It is much better to stick to the rate per unit of phosphate nitrogen which I have stated above.

Mr. Khaoya: Mr. Speaker, Sir, while thanking the Assistant Minister for his reply, could he agree with me that whereas this subsidy has been given on fertilizers from overseas, people say from Bungoma or Kakamega buy their fertilizer from Tororo in Uganda and this subsidy does not apply to the locally made fertilizers. The Government therefore is trying to encourage importation of fertilizers unless it can take the necessary action of lowering our local prices also.

Mr. Murgor: I do not agree with the hon. Member and if at all there is such a thing, then we will investigate.

Question No. 20

PRICES OF HYBRID MAIZE SEED

Mr. Khaoya asked the Minister for Agriculture if he would tell the House, in view of the need for reducing the cost of agricultural production the Government would consider causing the lowering of price of hybrid maize seed to enable a farmer to realize a margin of profit.

The Assistant Minister for Agriculture (Mr. Murgor): Mr. Speaker, Sir, I beg to reply. The total cost of producing one acre of maize is estimated over Sh. 250. Compared to this cost, hybrid maize seed costs Sh. 18 per bag of 20 lb. and, therefore, it is a very negligible factor in maize production costs.

My Ministry will not, therefore, achieve anything by reducing the cost of hybrid maize seed. However, what is required is for the farmers to work hard and improve their efficiency so that they can cut down on the cost of land preparation and other factors which are at present too high. In particular, if a farmer wants to achieve higher yields, he must plant in good time following the advice of my extension officers, space his plants

[Mr. Murgor]

properly, use good seed, prepare a good seed bed and apply the appropriate fertilizers, and exercise control on diseases and pests.

As regards the use of fertilizers, the House is aware that the Government has increased the subsidy of fertilizers from Sh. 3 to Sh. 5 per unit of water soluble phosphates or PO₂₅, thereby assisting the farmer to lower his costs.

Mr. Khaoya: Mr. Speaker, Sir, while listening to that bad answer, could the Assistant Minister be very simple and short, in that why should one bag of maize—my maize which is produced with that fertilizer and the hybrid maize seed—cost Sh. 20 when only 20 lb. of the maize seed should also cost almost Sh. 20? Why should this happen? Both of them are maize.

Mr. Murgor: Mr. Speaker, Sir, the price of hybrid maize seed is, in fact, low compared to the price paid for maize seed in other parts of the world.

An hon. Member: We are in Kenya!

Mr. Murgor: The production of seed is a very strict operation and is risky compared with the production of commercial maize. We have a contract between the Ministry and the Kenya Seed Company and, through this contract, we ensure that farmers are not being charged excessive prices for their seed.

Mr. Ngala-Abok: Mr. Speaker, Sir, is the Assistant Minister aware that the people responsible for propagating hybrid maize for seed are actually making a profit and they are doing so for their own good and not for the good of the farmers?

Mr. Murgor: Both, the people who are processing the seed and the farmers are getting equally good profit.

The Speaker (Mr. Slade): We must go on, I am afraid. We are getting late. Next question.

NOTICE OF MOTION FOR THE ADJOURNMENT

MATTER OF QUESTION NO. 20:
PRICE OF HYBRID MAIZE SEED

Mr. Godia: On a point of order, Mr. Speaker, with the permission of the Questioner may I be allowed to raise this question on the adjournment?

The Speaker (Mr. Slade): Mr. Khaoya, have you no objection to Mr. Godia raising this?

Mr. Khaoya: No objection, Sir.

ORAL ANSWERS TO QUESTIONS

Question No. 33

REPEATING OF CERTIFICATE OF PRIMARY EDUCATION

Mr. Tsalwa asked the Minister for Education if he would tell the House what plans he had to

assist the Certificate of Primary Education failures of last year so that they did not repeat in Standard VII to impede the progress of fresh students.

The Assistant Minister for Education (Mr. Khasakhala): Mr. Speaker, Sir, I beg to reply. My Ministry is not against Standard VII pupils repeating this year or any other year providing that there is a vacancy in the school and that no child from Standard VI will be excluded from Standard VII as a result of accommodating the repeaters.

Mr. Tsalwa: Mr. Speaker, Sir, all over the country there are ex-Certificate of Primary Education boys and girls and, at the same time, we find that new pupils are not allowed to enter Standard VII because of the repeaters. Now, will the Assistant Minister tell the House that these places are not filled by the repeaters so that the new pupils can be admitted?

Mr. Khasakhala: Mr. Speaker, I have already answered that question. I said very clearly that we do not allow someone to step down for a repeater. If there is a vacancy, then a boy or a girl can repeat Standard VII in a school where there is a vacancy, but this cannot be done by stopping someone from Standard VI to go to Standard VII to allow a repeater to take that place.

If the hon. Member could be specific in his statement, and tell me of any school, A, B, C, D that have allowed repeaters and as a result we have not had entries in Standard VII, my Ministry will deal with this case very definitely.

Mr. Muruli: Mr. Speaker, Sir, is the Assistant Minister aware that most headmasters of these primary schools encourage Standard VII pupils to repeat so that they get better results at the Certificate of Primary Education examination?

Mr. Khasakhala: Mr. Speaker, Sir, I am not aware of that. In fact, before a headmaster is allowed to give a chance to a Standard VII failure to repeat, he has to get the consent of the county education officer, and without the consent of the county education officer he cannot do so.

Question No. 27

MONEY SMUGGLERS, 1967/68

Mr. Karungaru asked the Attorney-General if he would tell the House—

(a) what the total number of money-smugglers who had been prosecuted and convicted by the courts of Kenya during 1967/68 had been;

(b) what the maximum sentence given to any of them had been.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to reply. There were 15 persons who appeared before the courts for contravening the Exchange Control Act during the period 1967/68. The maximum sentence awarded was three years' imprisonment and, in this particular case, this man is also to be deported when he has served the three years' imprisonment.

Mr. Karungaru: Mr. Speaker, Sir, would the Attorney-General tell this House further whether this kind of practice of money-smugglers has improved now that he has answered me in respect of 1967/68? Has this situation improved during this year of 1969?

Mr. C. Njonjo: Mr. Speaker, Sir, we have had two cases this year and in both cases the accused persons were fined Sh. 2,000, and the dollar travellers' cheques which amounted to about Sh. 2,900 were forfeited.

Mr. Speaker, these offences are not increasing I am happy to say, and I am satisfied that if more publicity is given to the sentences awarded in court to these people, the offence will decrease.

I am also happy to say that the courts are giving severe sentences and, in one case, a man was sentenced to one year's imprisonment by a magistrate and the High Court increased that sentence to three years. This shows that the courts are taking a very serious attitude towards this type of offence.

MOTION

FARMING LOANS: KIUNGA AND WITU DIVISIONS

Mr. Somo: Mr. Speaker, Sir, I beg to move the following Motion:—

THAT, this House urges the Government to give loans to farmers of Kiunga Division and Witu Division so that they can escape the exploitation from the richer people in Lamu District.

Mr. Speaker, Sir, Lamu District was one of the many districts in Kenya which suffered from the shifta menace. These farmers left their farms for a period of four years and the farmers went and settled on the islands of the Lamu District, and now their farms are completely destroyed by the wild animals. These people, Sir, do not know any other kind of job besides farming. When they went to settle on these islands there were some rich people who gave them a few shillings to farm on those islands. However, the farming on these islands is so poor that you cannot harvest anything and at the end of the year, after harvest, these people suffer a lot, besides the shifta menace.

I appeal to this Government, Mr. Speaker, very strongly to consider this case seriously by giving them some loans so that they can start new farms

or revive their old farms which they abandoned on the mainland. Everybody is aware in Kenya today that the shifta menace has improved a lot since the agreement which was signed in Arusha between our Head of State and the Somalia Prime Minister.

Mr. Speaker, Sir, you find a number of these people from the mainland who have moved to come and settle in these islands, but they are slowly moving back to the mainland, but when they return, they find that they do not even have a house to stay in and they have to build small *bandas* along the seashore with their own hands. However, these very rich people have given them some loans to farm with about 75 per cent profit which they are making out of these poor farmers; these poor victims from the shifta menace.

Mr. Speaker, Sir, this is a very straightforward Motion on which I hope the Minister for Agriculture will support me in my views. These rich people, Sir, have also moved to Kiunga Division and Witu Division and they have established shops there and also small-scale businesses whereby they want to exploit again the very small people.

An hon. Member: Who are these rich people?

Mr. Somo: They are Arabs. You know them very well; they are your friends.

An hon. Member: Address the Chair.

Mr. Somo: Mr. Speaker, Sir—

The Attorney-General (Mr. Njonjo): The rich people are the Bajuns.

Mr. Somo: Mr. Speaker, I do not deny what the Attorney-General has said that the rich people were the Bajuns. However, during these four years in which we have suffered from the shifta menace, the richness in the Bajuns no longer exists. Therefore, the Arabs from the town of Lamu who did not suffer either on the farming side or by losing their businesses because of the shifta, this is why I have this point of bringing this Motion; to appeal to this Government seriously to consider these two divisions, Kiunga and Witu, that they be given some loans for the poor farmers so that they escape exploitation from the richer people.

Mr. Speaker, Sir, Lamu is one of those backward districts, particularly in farming. Four years is a long period. Even, Mr. Speaker, a friend of mine, the hon. Mr. Kamau, was detained on one of these islands, and after his detention he was restricted in Lamu town for a number of months. Therefore, he knows a lot about the exploitation of Lamu District.

[Mr. Somo]

Therefore, Mr. Speaker, Sir, today, as I have said already, this exploitation still exists and is continuing with strength. As I have said, these richer people are moving to the mainland.

With these very few words, Mr. Speaker, as I am not trying to put out a long story about it, I beg to move the Motion.

Mr. Komora: Mr. Speaker, Sir, I rise to second this Motion. As the Mover of the Motion said before, this is a straightforward Motion and the Government has, in fact, started working on this. When we read the President's Speech, we found that he stated that he has sent Government officers and he has released money to assist those people who were affected by the shifta activities. Now, Lamu District, being one of the shifta affected districts, the local inhabitants were to move from the unstable mainland—their former homes—to safer places in the islands. In these new homes that they are trying to establish, these rich men have come and have given some money to the shifta victims and they are not benefiting from this money at all. I was thinking in terms of the Government giving loans to those farmers.

The Government, Mr. Speaker, puts particular emphasis on cotton growing because the land is sufficiently fertile and cotton can do very well. I have seen in some places Government has sent tractor units to open new lands and cotton is being grown. If Government is to maintain its emphasis on cotton growing, I think the Lamu people will do very well because the soil is suitable for cotton growing.

Mr. Speaker, I happen to be a member of the Cotton Board and I fully agree with the Government that if they increase the emphasis on cotton growing, this will serve us better. Cotton is wanted and needed and used right from the date a child is born; the mother needs some cottonwool when she is in maternity, and as the child goes on growing the child uses clothes which are made of cotton; at his school age he uses cotton, during his fully grown-up age—as myself—he uses cotton; until the date he dies because when a person dies you use cotton to say goodbye.

I think, Mr. Speaker, if our Government has the intention of giving loans to the people and farmers of the Kiunga and Witu Divisions we could go a long way towards developing cotton in that area, which is also Government policy, to see to it that by 1970 we hit our target of 95,000 bales.

Mr. Speaker, I think this Motion is self-explanatory, and we need not dwell very much on this one. I, therefore, beg to second the Motion.

(Question proposed)

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Speaker, Sir, in moving this Motion the hon. Mover was very interesting to listen to. He was interesting because he did not tell us whether the people mentioned—the farmers from these divisions—ever applied for loans and they were refused; he did not tell us why it is necessary for them to go and get loans from these rich people he is talking about who exploit them; he did not tell the House what type of crops these people of Kiunga and Witu Divisions are likely to plant; and it was very, very interesting for us from this Bench to listen to him.

However, Sir, I do not intend to be very long in replying to what I have just heard this morning. I understand they are supposed to plant cotton and, indeed, the hon. Member should know that there are short-term loans being given by the Cotton Board to farmers who grow cotton. He does not inform us whether these farmers have ever tried, through him, as the Member who represents them, to ask for these loans from the right person. I think here it is ignorance on the part of these people as to where they should go, and ignorance on the part of the hon. Member as to how to direct them.

Mr. Speaker, I would like to amend this Motion to read as follows: I would like to leave out the following words, "... the Government to give loans to . . ." and insert the following words after the words, "Witu Division", ". . . to apply for farming loans . . .".

Mr. Speaker, the Motion would, therefore, read as follows:—

THAT, this House urges farmers of Kiunga Division and Witu Division to apply for farming loans so that they can escape the exploitation from the richer people in Lamu District.

Mr. Speaker, let us take this as the first step so that the hon. Member's Motion makes sense. Let these gentlemen apply for loans and let us be told that they have applied for loans and they have not been given.

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

The Assistant Minister for Agriculture (Mr. Murgor): Mr. Speaker, Sir, I am very grateful for the amendment which my friend has moved.

Mr. Speaker, in this case, Sir, our problem with the people of Lamu District is that they do not apply for loans. We have a list of people who have applied for loans from Lamu District and not the divisions, because we do not keep lists of the people from divisions. All we know is that these applications came from Lamu, and not from a certain division or a certain location or from a

[Mr. Murgor]

certain clan; our records only show how many applications have come from Lamu and how many have been approved.

Mr. Speaker, Sir, here I have got the list of the applications approved from 1960 to the present day for the information of the hon. Member. From 1960 to 1964 there were 20 applications and the loans given were Sh. 30,000; in 1965 there were 17 applications and Sh. 19,600 was approved; in 1966 there were 2 applications for Sh. 4,000; in 1967 there were 2 applications and Sh. 3,000 was given. It appears, Sir, that up to 1965 there were more applications, but since then they have dropped. I think it is good for the hon. Member to go and tell the people in his constituency to go and apply for the loans. We have created the machinery whereby people can get loans—apply and get loans—and there is no reason why people from Lamu should not get more loans. Why the number of loans is going down I do not know.

With these few remarks, Sir, 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): Debate on that amendment can be combined with the debate on the main question and in so far as it introduces new matter the Mover or the Seconder are entitled to speak on the amendment.

Mr. Shikuku: Mr. Speaker, the Motion here is a very straightforward Motion as it stands and I agree. It says, Sir:—

THAT, this House urges the Government to give loans to farmers of Kiunga Division and Witu Division so that they can escape the exploitation from the richer people in Lamu District.

Mr. Speaker, this is referring to Kiunga and Witu Divisions which are divisions in Lamu District. Whereas I agree with the amendment that they should be asked to apply for loans, but the amendment they are not stating which part. The hon. Member's intention here is for Witu and Kiunga, which he represents, and he did not talk of Lamu District. This is the question—

The Minister for Information and Broadcasting (Mr. Osogo): We do not talk of Lamu District either.

Mr. Shikuku: Mr. Speaker, I hear the Minister for Information saying, "We do not talk of Lamu either", but that Member is not the Member for Lamu District; he has to speak of his constituency, just as the Minister himself. Un-

fortunately Ministers do not speak for their constituencies, but they do things for their constituencies. He cannot talk of Busia, but he can talk of Bunyala which is one location and the smallest constituency ever in this House. It is easy for a Member of a small constituency like that to play about with things here but he should understand that some of us represent very big constituencies, not just locations or sub-locations.

The Attorney-General (Mr. C. Njonjo): On a point of order, Mr. Speaker, is the hon. Member right in saying that certain words which you read out have been taken out when, in fact, they are still part of the amendment?

The Speaker (Mr. Slade): I thought the hon. Member was under a misunderstanding in respect of the amendment. The amendment still leaves specific reference to these two divisions in the Motion.

Mr. Shikuku: I am sorry, then, Mr. Speaker. I thought we were referring to Lamu District and that is why I was challenging it. If that is the case, Sir, here the Member is specifically talking of specific areas and if that is so then there is no problem.

Mr. Speaker, I stand to speak on this Motion for one reason and this is that in this country—this is the sense here and the danger—there are people who are rich and who are becoming even richer every minute. If this situation is not checked and the poor man also given some loans to defend himself against this terrible disease of amassing wealth at the moment, I am sure, in the long run, these rich people in these divisions will be the landlords and they will take every piece of land there with the aid of the Government so that they exploit the poor man in the area. The Ministers may not take this seriously, and I do not expect them to take this seriously anyway because they are the very people who are amassing wealth. Therefore, I do not expect any sympathy from them. There will come a day when we will take all the wealth from them. This is a fact. We did so with Europeans who took our land, but they had a place to go to, but the Ministers will go to their graves.

Mr. Speaker, Sir, I am of the opinion that if the people have a passport to go out, they will be gone for good and we will take the land anyway, but if they remain here, we will take them to their graves. Now, Sir, having said that, I am of the opinion as the Government says, and I agree with Government's amendment to request the people—the poor people in Lamu District—particularly in Kiunga and Witu to apply for loans. The question still remains: will they get

[Mr. Shikuku]

the loans? It is easy for Ministers to say here that let them apply for loans, and God knows what that is, but when it comes to the point of putting in an application, they will never get them. Let us be assured that when this Motion goes through, particularly now it has been amended by the Government—and for this I am very grateful—the Witu and Kiunga people shall be given the loans without any hindrance.

There is a lot of nonsense going on, Mr. Speaker, what we passed in this House is different. For example, the other day we passed a law here, restricting certain trade to citizens. Do you know what is happening, Mr. Speaker in practice? The ordinary African is not given facilities and, as a matter of fact, the richer non-citizen Asians are still getting their permits extended. They are only giving quit notices to the poor non-citizen Asians, who are earning nothing. The poor fellows are the only ones to quit, but the rich ones, because they have the money and they can dance around to some of the officers, they stay on here.

Now, Mr. Speaker, I was trying to elaborate on the applications because, just passing it here is one thing, but applying it is a different thing.

The Speaker (Mr. Slade): Let us not discuss all other things that have been passed, but have not been applied.

Mr. Shikuku: Now, Sir, this is my doubt and I would not be surprised, Mr. Speaker, at a later time, when the Member from the area will bring a question in this House that—in view of the Motion passed in the House on such and such date, will the Government tell the House how many loans, they have given because so far there is none. This is the thing, I hope I will be here next time and if I am not going to be here next time, somebody—another Butere man—will have to ask this question which will be referring to the Government having done nothing. This is not the first time, Mr. Speaker, that we have passed Motions in this House which have been accepted and amended by the Government, and nothing so far has ever been done to implement these resolutions of the House.

Mr. Speaker, if the Government is prepared to make amendments to the Motions as the one they have done—very encouraging amendments as this one—and then they do not apply it, they are making us a laughing-stock. We shall have many problems, particularly when we come to the general election, to explain to the people, because people in this country are not asleep and also read Motions like this which have been accepted.

When we go home they ask, “Where are the Motions that have been accepted and what has happened?” As a matter of fact some of the civil servants say that we make a lot of noise in this House, pass resolutions and nothing is implemented. They say we are the noise makers and even they are encouraged at beer parties, to talk like that because we pass resolutions, but the Ministers who are supposed to execute these because they are the Cabinet, sit on them and grow fat. One of these days they will be very thin. They will be running around, and they might lose their deposits as well.

Now Sir, signs of this were seen in Gem because they made a lot of *maneno* there and nobody listened. Probably because of the Motions we pass here and they never implement them. There were eight of them and they managed to get only 1,500 votes. So every Minister had less than 200 votes.

Mr. Speaker, Sir, let us have our Motions debated seriously by these hon. Members who are paid by tax-payers and let us hope, Sir, that the Government will implement what we pass. If the Motion does not call for anything more, I support the poor man's point of view that he must be given more loans so that he is not exploited.

The Attorney-General (Mr. C. Njonjo): They must apply for them.

Mr. Shikuku: They must apply, and Mr. Speaker, I and the hon. Member and the hon. Seconder, will appeal to the people to apply and they should have a system, Mr. Speaker—I suggest this one very seriously to the hon. Members—that every copy of the applications sent to the Government must be noted. The hon. Members should also have a copy of the application and one day they should lay the copies on this Table and if we find those copies have not been given loans, we will take the Ministers to task. If possible, we will pass a vote of no confidence in the Ministers.

With these few remarks, Mr. Speaker, let me hope, and let me hope against hope that the Government will do something.

The Assistant Minister for Lands and Settlement (Mr. Malinda): On a point of order, Mr. Speaker, Sir, may I move that the Question be now put.

The Speaker (Mr. Slade): No, I must at least allow the Seconder to comment on this amendment. Mr. Komora.

Mr. Komora: Mr. Speaker, Sir, may I put one point clear to the Government. Farmers from Kiunga and Witu Divisions, and indeed from

[Mr. Komora]

other divisions and districts in the Coast Province, have been applying for farming loans but the problems they have is—as perhaps the Government knows—that the former Coastal Strip was completely owned by the rich people—Arabs, Asians and Europeans. The poor men whom we have in mind in the Motion, were left in the hinterland where the land is not fertile. They are now literally just squatters. If Government would think in terms of giving them loans, they could then move to fertile places where the land is not just now being made use of.

They have been applying but they do not get the loans because they do not hold title-deeds for the land, and this has been the main factor. We apply to the Agricultural Finance Corporation, but we are told—

The Attorney-General (Mr. C. Njonjo): On a point of order, Mr. Speaker. Is it not a fact that the hon. Member himself has had a loan, but he has no title-deed? Is it proper for him to mislead the House?

The Speaker (Mr. Slade): It is not a point of order, I think.

Mr. Komora: Mr. Speaker, Sir, I shall be very happy, if I had a loan, because I have applied every year since I came to this Parliament but I have had none so far. There is one condition that you must have—a title-deed for the land you want to develop with that money. Mr. Speaker, Sir, we are being told today, “apply”, but that condition still remains—

An hon. Member: A point of information.

Mr. Shikuku: On a point of information, Sir. I am glad the hon. Member has given me this chance to give him the information. It was the other day when the Assistant Minister for Agriculture in this House moved an amendment to the present Bill to provide for anybody to get a loan even without a title-deed, provided that there is proof that that land is his and so there is no problem as far as that is concerned now.

Mr. Komora: Mr. Speaker, Sir, on those terms, I fully agree with the amendment, and hoping, as hon. Shikuku said, that when our farmers submit their applications for loans, the loans will be issued to them.

With these few remarks, Sir, I think I shall support the amendment.

Mr. Makone: I also wish to support the amendment, but, Sir, I was not going to speak, but I was struck by the reply given by the Assistant Minister, which has made me say a few words

and make some observations on what he said. Mr. Speaker, I think the normal practice of the Government, when a Motion like this is to be moved by a Minister or on his behalf by an Assistant Minister, should be first to study the nature of the Motion and look at it carefully before it is brought here, so that when it is brought here, he has a convincing reply, rather than generalize facts of the Motion. Now, Mr. Speaker, the Motion here is specifically, as you say, Sir, dealing with people of Witu and Kiunga Divisions, and therefore, Mr. Speaker, very different from Kisii, from Central Province, from, say, Kitutu East.

Mr. Speaker, the Assistant Minister said, “Why are these people not given preference”; and, Mr. Speaker, I say, why are they not given preference, being a very unique sort of treatment for people who are kept off the land, and now they are moving back on to the land—poor people, Mr. Speaker? Therefore, he should see that this is a different case to be brought to the Government; a case where those financial giants must be kept away from these poor people.

Mr. Speaker, this is a kind of punishment, for the Government to reply without considering all aspects of the Motion. It is very discouraging and shows how they generalize and even handle their affairs in the Ministries. Mr. Speaker, when a Motion is brought into this House, like this one by an hon. Member, we need to do some deeper study, and top officers of the Government should advise the Minister on it, rather than the Minister just coming into the office in the morning to look what is coming in. Mr. Speaker, I only stood to say that Government, to generalize a case like this one before the Parliament, is not very encouraging. I wish to say that the Motion, as amended by the Minister for Information and Broadcasting, is acceptable, and I support it. I wish too and hope that the Government will go down and make this an acceptable case, and not treat it as they have done now. I beg to support, Mr. Speaker.

Mr. Ondiek-Chillo: This is a funny amendment, as it is. It appears to me to change the substance of the Motion—as it was, “this House urges the people of Witu Division to apply”. This is a very funny amendment, and I do not know whether the Mover really sees what it needs, because I do not think there is anybody in this country who does not know how to apply for a loan. I believe that people in this Division have been applying for loans. How is that it is only this House which is going to urge these people to apply for loans? In fact, the Mover should really reject this amendment, because this is a very

[Mr. Ondiek-Chillo]

cunning way of tackling things. I do not believe, Mr. Speaker, that these people have just been sleeping from 1963 when we achieved our independence; that not even one of them has applied for a loan, and that it is only today in this House we are going to urge them to apply for loans. This is a funny amendment. In fact, it is, according to me, changing the whole substance of what the Mover wanted, because the Mover, according to him, saw the danger of the richer farmers exploiting the poor farmers in this area. For that reason, he had it in mind these people had been applying for loans, but the Government has not been giving them anything. What he wanted the House to pass is that priority will be given to these people, so that when they apply for loans they should be given. But what the amendment here is implying is that the hon. Member who brought this Motion has not even urged these people to apply for loans, and therefore, it is actually educating the Member. This is why, I am trying actually to enlighten the Member to see that what is being amended is not really what he wanted.

The Speaker (Mr. Slade): You have been to Lamu and saw the farmers.

Mr. Ondiek-Chillo: Mr. Speaker, I have been to Lamu more than twice. I was in Lamu this year. Now it is very dry and if these people are not helped as the Mover has asked, I do not see any point in amending the Motion as it is. What I would have liked is the Motion to be carried as it is, because these people have been applying for loans. If investigations are carried out, it will be found out that they have been applying, but their applications have been ignored, and somebody has been sitting on them in the office. This is what is happening. If you go to the Kalenjii areas, are the people there getting any loan? They are not, and I believe they are not, and they are bitter about it. Mr. Speaker, I know, because I pass through Kalenjii areas when I am coming to Nairobi, and I know they are not getting loans. I believe that the Member who is challenging this today will tomorrow come with this question, "how many Kalenjins have been given loans, and why has the Government ignored Kalenjii?" Yesterday, when the Member for Kitale, the hon. Muliro, was speaking he said that the Government has ignored the Western Province. Now the—

The Speaker (Mr. Slade): Mr. Ondiek-Chillo, we are talking about these two divisions in Lamu.

Mr. Ondiek-Chillo: I was just trying, to give some reference, Mr. Speaker.

The Speaker (Mr. Slade): But it must be relevant to the question.

Mr. Ondiek-Chillo: Anyway, I feel, Mr. Speaker, that the Minister for Information and Broadcasting although he is trying to make the amendment, is aware of the fact that it only the richer farmers who have been getting loans, but the poor ones have been getting nothing. I do not actually support the amendment, but I support the original Motion to be left as it is because urging some people to apply for loans, is what should not be passed in this House, because this is known. I do not think that the people of Lamu are so sleepy that they have not been asking for loans. Mr. Speaker, I beg to oppose the amendment.

The Speaker (Mr. Slade): I think I should comment on what Mr. Ondiek-Chillo has said, because if I had really thought this amendment altered the whole substance of the Motion, I should have rejected it, but since it is so clear that in urging people to apply for loans, this House also is expecting the Government to take their applications very seriously; the substance is still there, and it is on that understanding that I have allowed the amendment.

Mr. Kamau: Mr. Speaker, Sir, it should be called a great day to have a Member from Lamu District presenting a chain of farming in that district because as the hon. Member referred to during the time he was moving the Motion, that I was one of the people who had lived, detained, in his area at that particular time. Mr. Speaker, Sir, I should like the House to know that I never expected, perhaps, after 20 years, to have a Member of Parliament from that particular area, because the conditions of people at the Coast at that time was very deplorable. I am grateful to the hon. Member who has now come here, because during the time I was there he was a schoolboy and now he is an equal Member of Parliament as I am. That is a great effort, and he should be supported in every possible way.

Coming to the actual point, Mr. Speaker, I would like before I comment on anything, to educate hon. Members from the Opposition that when the Government amended this Motion it knew very clearly that it has sympathy for its people and it has a reason to amend the Motion so as to comply exactly, and to come to the exact point the people of Kirinyaga and Witu Divisions want within Lamu District. So, Mr. Speaker, Sir, there is no point in saying that the amendment does not hold water. This is a very important amendment the Government has made, because as we understand this Motion, Mr. Speaker, Sir,

[Mr. Kamau]

we know very well that in Lamu District most of the land is owned by the foreigners. I think what the hon. Member wanted to say, although he did not do so frankly, is that the whole question is that land in the Coastal Strip has been taken over by the Arabs. It is high time, therefore, that our Government sees to it that the potential of land in the Lamu District is enjoyed by the people of the area who are the Africans. What the hon. Member wanted the Government to know is that his people, whom he is representing today, having realized that they had no representative in this House during the colonial régime, and having suffered because of this since no one could put the case of the Africans to the former Government, we now have the Member who has brought this Motion here. So I am grateful to the Minister who has seen fit to appeal, through this hon. Member for Lamu District, that the people should apply to the Government for help. This is the only remedy by which these people from Kiunga and Witu Divisions in Lamu District will be helped.

Mr. Speaker, I would very much like to associate myself with the last speakers who have asked the Government not to take the Motions we pass here as Back-benchers in an easy way. We have noted that the Government is not taking us seriously with regard to our Motions. What happens is that these Motions we have passed are on record, they remain on the record, and one day we will come back in force and see that all the Motions passed in this House are implemented whether the Government wants to do so or not. Whatever goes on record, is the decision of this hon. House. We do not like it when a Minister amends a Motion which goes through and then the Government takes no action when the Motion is agreed to by the House. I would like to say that when I came to this House I brought a Motion telling the House that during our struggle for independence most of our land was misappropriated, the land was given to the wrong people, and so on. This Motion was passed but to date nothing has been done. I am sure this is still on the record. Other Motions have also been passed by hon. Members here and many of these have not been implemented by the Government. I hope that this Motion which my hon. friend, Mr. Somo, from Lamu District, has brought to this House will be acted upon by the Government, that the Government will take very drastic measures to see that it is implemented because as far as agriculture is concerned, I know these people are dealing mainly with cotton, *mikoko* and the plants which the coastal strip people grow. For these things they need a lot of money in order to develop the area. I hope that as soon as we pass this Motion

Government will see to it that these people are provided with loans.

I know that this Motion is self-explanatory, Mr. Speaker, I do not wish to dwell on it at length and, therefore, I support the sentiments of the amendment.

The Speaker (Mr. Slade): Perhaps I might put the question of the amendment now and continue with the debate afterwards? Would that suit you, Mr. Godia?

The Assistant Minister for Lands and Settlement (Mr. Malinda): I was just rising to move that the question of the amendment be now put.

The Speaker (Mr. Slade): The House can certainly consider that.

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

(Question of the first part of the amendment, that the words to be left out be left out, put and agreed to)

(Question of the second part of the amendment, that the words to be inserted in place thereof be inserted, proposed)

The Speaker (Mr. Slade): I have proposed this second part of the amendment because I know that Mr. arap Biy has some comment to make here.

Mr. Godia: Mr. Speaker, Sir, I stand to support the amendment. I would also like to congratulate the Mover of this Motion and I hope that after this Motion has been passed the people of Kiunga and Witu Divisions will see the benefits thereof.

I would like to appeal to the Government to see that the farmers in these particular Divisions are assisted in the terms of this Motion in that the applicants who apply for loans are assisted in this current year. Those who are assisted during this current year should not be less than 500 farmers. We do not want the figure to be less. It would not please this House if only 10, 20 or 30 Africans were considered. We would like at least 500 small-scale farmers in this particular area to earn the benefits of this Motion so that they can be happy and realize that they are not being exploited by the rich people in that part of the country.

Mr. Speaker, Sir, the danger here lies with the officers, the officers who receive the applications. Some of the officers who receive the applications do not pay very much attention to these things. Sometimes, in some cases, they do acknowledge receipt of the applications. We would like to see that the officers who receive the applications acknowledge receipt of each application received, and inform each farmer who has applied what

[Mr. Godia]

action is being taken with regard to the application. Thus the farmers are put in the picture as to what is taking place regarding their applications.

Sir, there is one danger with regard to most of the farmers and that is they do not have title-deeds to their farms. Many farmers in the country have not had their land surveyed and so they do not have the title-deeds. We do not want to have the Government insisting, with each farmer asking for a loan, that such farmers produce the title-deeds because that could not be done in many cases. I am expressing this opinion because I do know that many officers do not understand what is the policy in relation to these matters. We would like a farmer, who has made an application for a loan, to be given the loan, irrespective of whether he has title-deeds or not. The farm he has could be taken into account in this case. We would like the farmers to be assisted.

Mr. Speaker, we would like these farmers to use their loans properly and in this way they should be assisted by the field officers. In this way they will see some benefit from the loans.

The Government should understand that the position, as it applies to Kiunga and Witu Divisions, applies also to other parts of the country. The Government should not expect every constituency, every division to have their Members bring Motions in this House to get something done for the areas in question. We hope the Government will take this Motion as an example of something that applies to the whole country. Farmers in Busia, in Hamisi, Nyandarua or Butere who have applied and are applying for loans should be considered in line with the other farmers from Kiunga and Witu Divisions. We do not want the Ministry to think that because this House has passed a Motion in relation to Kiunga and Witu Divisions' farmers that theirs are the only cases to be considered. Government must realize that every farmer, in every part of this country, is looking for assistance from the Ministry of Agriculture and the Government as a whole.

So, Sir, I hope that the Government will take this to be an example of the need of the people of this country and will consider, seriously, the farmers in these two particular Divisions and, at least—I repeat, at least—500 farmers must be assisted within this current year. Mr. Speaker, Sir, farmers must see the benefit of the loans from the Ministry of Agriculture.

Mr. Speaker, I hope that the Ministry of Agriculture and the officers working in the field will do their best to assist the farmers in Kiunga Division and Witu Division, and all over the

country to benefit from the loans, from agriculture. With these few words, Sir, I support the Motion.

Mr. arap Biy: Mr. Speaker, Sir, in support of this Motion as amended I would like to say a few words. We know that in many cases farmers in this country have been applying for loans, but the conditions attached to these loans are very, very tight indeed. I know that in respect of the small-scale farmers, they are required to have, say, 15 acres of land. For example, if they want to plant maize, then they have to have 15 acres planted in the given year. Now, for these 15 acres, supposing some person has only 7 acres—that is as much as he has—how will he be able to get a loan? It means that he is denied the right, denied the facility of getting this loan.

Hon. Members: No. No.

Mr. arap Biy: Some of these fellows are saying “No” but I would say that this is very true.

Mr. Shikuku: On a point of order, Mr. Speaker, is it in order for the hon. Member to refer to hon. Members as “some of these fellows”?

The Speaker (Mr. Slade): Oh, no. You will correct that, will you not, Mr. arap Biy?

Mr. arap Biy: Mr. Speaker, I apologize to my hon. colleagues.

Mr. Speaker, I am asking the Minister to advise his officers in the field to educate the farmers to apply for these loans because the farmers do not even know how to fill in the forms, they cannot do this on their own.

The Assistant Minister for Lands and Settlement (Mr. Malinda): What is the job of a Member of Parliament for the area then?

Mr. arap Biy: A Member of Parliament has to be a legislator, he legislates here in the Chamber, he cannot educate his people all the time.

I do not wish to entertain these childish interruptions from the Assistant Minister, because I am just making a point which the Minister for Agriculture should take into account.

We would like to see the officials of the Ministry of Agriculture assist the farmer, educate the farmer on how to apply for the loans. Then, when the farmer gets the loans, he should be told how to utilize the loan.

Mr. Speaker, Sir, further to the amendment which has been moved and is supported, I would like to propose a very simple amendment which

[Mr. arap Biy]

in fact, will strengthen the amendment moved by the Assistant Minister for Agriculture. After the word “loans” I would like to suggest that we add the words “and Government to entertain such applications”. We would like to strengthen this Motion. We do not want to pass a Motion which, in the long run, does not have everything clear and appealing in its intention. So if these words are added to this Motion, I feel that it will really make a lot of sense. We want the Government to entertain the application for these loans. When loans are applied for, Government should give some sort of assurance that these people of Witu and Kiunga Divisions will be assisted. We would like to know that these people will definitely be assisted, otherwise we find that we only have weak promises and once this Motion has been accepted nothing will come of it.

Hon. Tsalwa, as a good farmer, as my good friend, I appeal to him to second this amendment because when he brings here a Motion, one which deals with his area, I will second him and support him wholeheartedly.

Mr. Speaker, Sir, I hope that with the few words I have expressed, the hon. Members of this House will see fit to support this further amendment which, in the real sense, is only strengthening the skeleton of the whole Motion.

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

The Speaker (Mr. Slade): The hon. Member is proposing an amendment to the amendment. The amendment already before the House is for the insertion of the words, “apply for farming loans”. What Mr. arap Biy suggests is the addition to those words of the words, “and Government to entertain such applications”. I have to see if any hon. Member seconds that amendment to the amendment. It is open to any hon. Member to do so, whether he has spoken or not, because it is new matter.

Mr. Kago: Mr. Speaker, Sir, in seconding this amendment to the amendment I would like to say this. Time and again, we pass Motions here appealing to the Government to do something for a certain part of the country. But what shocks us is to see later on that nothing is done. These Motions are shelved and forgotten and, maybe, nobody at any time, considers that he should do anything in accordance with the request. Maybe, Mr. Speaker, the reason is that sometimes we are not well directed in our Motions. Therefore, I feel, with the insertion of these few words in the Motion, the Government will see that it has been

given a directive and in many cases, if the Government wants to save its face—especially at this time when its face is not as bright as it should be—then as a good omen the Government will take this directive and act on it right away.

Mr. Speaker, Sir, I am not, in any way, trying to suggest that the Government does not entertain applications of this kind. However, along with entertainment it takes a very long time for these applications to be processed. Sometimes they are not even processed for reasons only known to these institutions that lend this kind of money. It is high time that all parts of the country should, at least, benefit from the activities of our popularly elected Government. Unless a thing like this—which is so needed in this part of Kenya—is done to the residents of the area, I cannot see how these residents will entertain and appreciate the activities of Government.

Mr. Speaker, we do not only want to hear that in such areas like Lamu the only thing that the people see there is shooting of members of the public on some occasions—as we heard yesterday—but we want also, along with shooting—if shooting is really necessary—to see that they get some better things to help the development of the area.

Therefore, Sir, I should think that since Government accepts and knows that this House is supreme, and since Government also knows that it is meant to be the executive wing of Parliament, it should take this as a serious matter and act on it right away. I know that when these farmers at Lamu get this good news that they have been urged by the House to apply for these loans, I am sure they are going to apply right away and I am sure, in many cases, these applications are going to be in such a big number that even the Government will be unable to cope. However, that, in itself, should not be taken as a kind of hindrance to the Government acting on whichever genuine applications they receive. Government must act because this House—the supreme body, the controller of the country—has seen fit that it should direct the Government to do this.

Mr. Speaker, I think the hon. Members, as I know them, will also accept this further amendment because, as the Mover said, it gives a clear and decisive kind of direction which I think Government wants to have so that it does not have to say that it was given a vague kind of request so it does not know where to start and where to end. Since this is very clear and vividly put, I am sure the Government will also accept the amendment and the House will accept it and

[Mr. Kago]

wait and see what Government will do. I hope that they will carry out this instruction in good faith, at least to save its face today.

I beg to second.

(Question of the amendment to the second part of the amendment, that the words to be added be added, proposed)

The Assistant Minister for Agriculture (Mr. Murgor): Mr. Speaker, Sir. I thank the House for agreeing with the main amendment, and the Government has no objection to the new amendment. What I actually want to make clear, Sir, is that the Government will only entertain these applications on the understanding that the applicants will meet the requirements of the loans. The requirements are those requirements which other applicants are supposed to meet. The loans are given on the understanding that the loans will be repaid, that is the first one. A loan will be given to an applicant who is known to be able to pay back the loan. Those are the requirements; there will be no other requirements, but they will have to meet the requirements like other people in the whole country.

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

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

(Question of the amendment to the second part of the amendment, that the words to be added, be added, put and agreed to)

(Question of the Motion as amended proposed)

The Deputy Speaker (Dr. De Souza): If no other hon. Member wishes to speak I will call upon the Mover to reply.

Mr. Somo: Mr. Deputy Speaker, Sir, I beg to take this opportunity to thank all the Members who have spoken on this Motion, and also to thank the Minister for Information for his first amendment which encourages these farmers to apply for the loans. Let us hope that when these applications are made for loans, they will be approved.

One thing that I am not particularly happy with the Minister for Information is that he said I did not state clearly what kinds of crops these people grow in this area. As he is the Minister for Information, he should be fully informed of what is going on in this country. There is no sense, whatsoever, in his coming into this House to ask me—or any other Member of this Parliament—what crops are grown in this or that area. I, personally, am a Member of Parliament and I went to school and I know every part of Kenya and what types of crop are grown.

Therefore, this Motion, Mr. Deputy Speaker, is simply asking the Government to give loans to these farmers. Whatever he has said, I thank him once again for moving the amendment.

With these very few words, Mr. Deputy Speaker, I beg to move the Motion.

(Question of the Motion as amended put and agreed to)

Resolved accordingly:

THAT, this House urges farmers of Kiunga Division and Witu Division to apply for farming loans and Government to entertain such applications so that they can escape the exploitation from the richer people in Lamu District.

MOTION

SUSPENSION OF LOAN REPAYMENTS FOR SETTLEMENT SCHEME FARMERS

Mr. Kebaso: Mr. Deputy Speaker, I beg to move the Motion as amended with the permission of the Speaker.

The Assistant Minister for Lands and Settlement (Mr. Malinda): On a point of order, Mr. Deputy Speaker, the hon. Member is saying that he is moving the Motion as amended, and we, in the Government have not been informed of the amendment, so is it in order for him to do that at this stage?

The Deputy Speaker (Dr. De Souza): If there are amendments which do not, in fact, effect the substance of the Motion he can ask Mr. Speaker for leave to amend the Motion before he proposes it. He has, in fact, given notice that he would like to add after the word "Sotik" the following words: "and in some other settlement schemes", which, of course, is perfectly in order and does not, in any way, change the meaning or substance of the Motion. If, in fact, Mr. Kebaso makes that very clear, I am sure there will be no problem.

The Minister for Information and Broadcasting (Mr. Osogo): I am sorry to stand up on this one, Mr. Deputy Speaker, but I think it was the duty of the Chair to tell the Government that this Motion had been changed because when you add "and other settlement schemes" it will not mean that all cattle have died in other settlement areas, which the Motion is going to say.

The Deputy Speaker (Dr. De Souza): The Speaker normally informs the Government, but this suggestion for an amendment from Mr. Kebaso was given only a few minutes ago. I do not think what you say applies, Mr. Osogo; what it does mean is that settlers in Isoge Settlement

[The Deputy Speaker]

Scheme and in some other settlement schemes. In other words, in other settlement schemes like Isoge where there are no cash crops because of bad soil, and cattle have died, then he is asking for certain allowances by the Government. This is perfectly in order I think. It has been allowed and we will now go on with the debate.

Mr. Kebaso: Mr. Deputy Speaker, I beg to move the Motion:—

THAT, in view of the fact that settlers at Isoge Settlement Scheme in Sotik and in some other settlement schemes grow no cash crop owing to bad soil; and since all cattle they bought through Government loans have died because of unknown reasons, this House requests the Government to suspend repayment of loans until experts from the Ministry of Agriculture find out the alternative cash crops which can assist the farmers concerned to repay the loans.

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Deputy Speaker, I want to know if these other settlement schemes are going to be specified in the course of the speeches, because this will force the Government to go and find out what is the actual soil structure in these other settlement schemes? Do we take it that they are not going to be specified in the course of the speeches?

The Deputy Speaker (Dr. De Souza): No, Mr. Osogo, what it does mean is this, that in Isoge Settlement Scheme in Sotik and in other settlement schemes of a similar nature, where if cash crops are not available or cannot be grown because the soil is bad, and if cattle have died, then he would ask the Government for certain allowances. In other words, as a Government, to suspend the repayment of the loans. He is trying to lump together all settlement schemes which have the same problem. He is not confining himself merely to Isoge, but any settlement scheme that has problems like the Isoge Settlement Scheme in the country should be given certain sympathetic consideration by the Government. This is what he is asking. I think it is perfectly all right as the problem would be the same, assuming that the Government accepts that in the Isoge Settlement Scheme cattle have died and cash crops are not allowed. I think it would be perfectly in order for some other Member to say that if Isoge Settlement Scheme is getting these particular facilities why not give them in other areas where the same problem arises, if it does arise.

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Deputy Speaker, we have to get ourselves very clear on this one. Why I said

that we hope, as a Government, that no other specific settlement schemes will come up is because we have the soil analysis of the particular one mentioned in the Motion. We will have to go and get the soil analysis of other settlement schemes if they specifically come up in the debate, and this will take time.

The Deputy Speaker (Dr. De Souza): Yes, I see your point, Mr. Osogo, as I did not realize that the Government was, in fact, challenging that perhaps cash crops could not be grown in Isoge. If this is so, I think I see your point very well, and I must say that if perhaps Mr. Speaker had also known that he might have had second thoughts about allowing the amendment. I think we will have to go on the assumption that if Mr. Kebaso's contention is correct then you can do that, but if you challenge his contention and say it is wrong, then I think you can oppose the Motion as it is from the beginning.

Mr. Omweri: Mr. Deputy Speaker, since we have had similar amendments, particularly on a Motion about tea, moved by the hon. Munyi, which was amended to cover the entire Republic so that it gave other Members from areas other than Embu a chance to speak, is it not in order for the Speaker to advise the Government, that is actually to allow other Members to participate fully? If they doubt the soil analysis they should bring the soil analyst here to advise them as they could just telephone him and he would be around.

The Deputy Speaker (Dr. De Souza): The purpose is not to try to stop other Members arguing, in fact, the purpose of allowing the amendment, I think, in my view, was to make it more general; make the problem applicable throughout the country so that it could be debated rather than one particular settlement scheme. Mr. Osogo's point is—and I think it is a very valid one—that he is challenging the contention that cash crops cannot be grown in the Isoge Settlement Scheme, and as the Government came prepared for only this one particular scheme, it would be difficult to challenge the soil analysis, as it were, or challenge the possibility of growing crops in other schemes of which they are not aware because they have not had notice to examine the soil, or to make further inquiries. He has a very valid point, but I am afraid it is now too late as the amendment has been allowed, but Mr. Osogo and, no doubt, Mr. Malinda, will make the points when they come to contribute to the debate.

Mr. Kebaso: Mr. Deputy Speaker, Sir, why I wanted to make this amendment cover the whole country—I am sorry that the Minister is running

[Mr. Kebaso]

away—is that I am not a one-sided person like the Minister for Information who goes to the Western Province and nowhere else. I am a member of the Sifting Committee which is concerned with all schemes and I do go around whenever the Government gives the team time to go around.

Mr. Deputy Speaker, Isoge Scheme was occupied by plottolders in 1966 and the number is 146. These settlers, when they were moved in, were given money by the Government to buy cattle; some bought nice cattle; some bought barren or impotent cattle and those which did not die are still there and have produced nothing since 1966. Those that died from tsetse flies have not been replaced by the Government. The settlers who are still living in Isoge produce no cash crops and so they can only go to their original homes and sell whatever property they have to repay their loans.

It is a very bad idea that people are given bad land and when they complain they are not heard, and even when they produce nothing they are forced every time to repay their money, and when they have no money it means that in a very short time the settlers are forced to sell their children and wives in order to repay the loans.

It is obvious that all these people have been complaining to the Government from time to time and nobody has paid any attention. Mr. Angaine, the Minister for Lands, came to Isoge Scheme the other day and he promised them that wherever the farmers cannot get enough cash crops from the soil the Government would send experts from the Ministry of Agriculture to go and assess the soil, and if it is found that the land is bad they would be given alternative plots somewhere else. The Ministry, however, has kept silent and nobody has taken steps to rectify the position. Mr. Deputy Speaker, you will recall that some few weeks back, when the hon. Minister for Economic Planning and Development was replying to a report in the *Nation*, he agreed that the Kenya farmers in particular, are paying more money to the British Government than the money they borrow. We borrow Sh. 10 and we pay Sh. 50. This means that when we say we have an independent Government we are only independent on one side, in the sense that we have our Ministers and everything—

The Deputy Speaker (Dr. De Souza): Order! Mr. Kebaso. I do not want to interrupt what you are saying, but you must try to be relevant. We are referring here to cash crops not being available or those which cannot be grown on a particular soil, and that we want a moratorium on repayments. I do not know why you want to go on

with the question of British Government. I cannot quite understand how it is relevant; perhaps you can explain.

Mr. Kebaso: Mr. Deputy Speaker, the question here is dependent on the money we pay through the Kenya Government to the British Government. What I intended to say was that the settlers, or anybody who bought land in settlement schemes, is going to be a slave for 30 years to come. He has no money to repay the loan advanced to him; he is forced to repay this loan and has no source of getting money. He is only given a small development loan in the form of barbed-wire, a few posts and some nails. They do not pay cash. It is terrible that these people will have to continue like this.

When a settler dies, he leaves his wife and children slaves of these loans. Mr. Deputy Speaker, some settlers lost their cattle, as I said in this House the other day. If the Government money can be stolen, for example the money stolen from the banks and Post Office, and the Government writes it off, I do not see why the Government cannot write-off the loans issued to buy some barren cattle. Some of these cattle die immediately they are given to the settlers. Why can these loans not be written-off at the same time? If they cannot be written-off, why are the cattle not replaced? Why are the African farmers given barren cattle which produce no calves. Some people in Isoge who bought cattle in 1966, or Litago Scheme for instance, have been given artificial insemination but their cattle have not brought forth a single calf since that year. The Government still insists that they should pay for those barren cattle that were given to them.

When they ask the Minister concerned to replace these cattle, the Minister says "No". The former European settlers who sold land to us valued the land themselves. We paid for this barren land the same amount of money as we would have paid for any fertile land. Why was this the case? You cannot value your own thing if you want to sell it to me and expect me to call that a just valuation. However, these settlers valued their land and left for the United Kingdom with the money, leaving us and our children to pay for nothing but rocks in most cases.

Some settlers are living on the hills. They are told that here they can only have ranching schemes. As regards ranching, cattle die every week because there is nobody who cares to kill the tsetse flies.

The settlers who took away our money are happy in England when they receive cheques from the British Government every month, but we

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people from whom the land which was taken a long time ago, for instance, this settlement scheme where houses were pulled down when I was in Nairobi here. They are asked to pay for something they never saw.

The time has come when the Kenya Government should think about this question of repayment of loans to the United Kingdom. How are we expected to get money with this barren land.

Another burning question, Mr. Deputy Speaker, is that while the settlers are waiting to pay for this barren land we get another team called American Peace Corps. They are posted to settlement schemes. Do you know what happens? When these people come, they are issued with Local Purchase Orders for buying petrol.

The Deputy Speaker (Dr. De Souza): You must be relevant, Mr. Kebaso. I cannot understand what that has to do with this, I am afraid. We have to confine ourselves to the main issue. If you want to discuss about Peace Corps, you should have included it in the Motion. I personally cannot see what Peace Corps people do here has any relevance to this Motion. If you can make it relevant, yes, but not otherwise.

Mr. Kebaso: Mr. Deputy Speaker, I think I am speaking about these loans, and also bringing in these American Peace Corps, because the loan is made to swell since the mileage made by the American Peace Corps volunteers are also included in these loans. So, instead of the settlers paying for land only, they also pay for the mileage and expenses incurred by these Peace Corps volunteers, whereas this is not the farmers concern.

If the Government gets volunteers from overseas, let those governments also volunteer to pay for the services and the mileage. Why should our African settlement officers be tied up. They cannot go round in their Land-Rovers, while the Peace Corps are given freedom to move about, for instance, from Sotik to Kisumu, Kakamega, Nairobi and return. All these mileage charges are paid for by our poor settlers.

You warned me, Mr. Deputy Speaker, that I should not go out of the scope of the Motion. I said this because if we mean that we are independent, we should also be economically independent. We have no independence because so far our people are so tied up that they are not able to get money for themselves. They might be evacuated from the land after working on it for five years, because they cannot get money.

An hon. Member: *Toboa, toboa.*

Mr. Kebaso: Everything they had is gone. It is unfortunate that we cannot sell human beings; otherwise some farmers could sell their wives, or surplus wives, in order to repay the loans to the British Government.

Mr. Deputy Speaker, I should suggest that in order to help our farmers—I hope some of our hon. Members here will move a Motion one day asking the Government to nationalize these farms or to stop paying any further money to the British Government. If Tanzania could nationalize the former European firms, why can we not do likewise? Why should we remain under slavery. We say that we are Africans and that the land is ours, but we are being forced to pay for our own land.

Mr. Deputy Speaker, this trouble of land concerns me and my Kisii voters. When we were going for a visit, sometime back, in settlement schemes with other 50 committee members, we passed through Nyandarua which is only 50 miles from here. This is the constituency of the hon. Kago. People grow nothing there. They go to Nyeri weekly to collect money from their brothers. They come to Nairobi where their brothers are working in Government Ministries to ask for financial help. Those people of Nyandarua, Mr. Deputy Speaker; if I could ask you and Mr. Malinda, to come along with me in my car this afternoon, you will find that nothing is grown in Nyandarua. Yet these people are asked to repay their loans every time. To pay for what? They grow nothing. Even cattle are not bred there.

If you go to settlement schemes in Bungoma, like Naitiri and Ndani, you will get nothing. Yet these people are asked to pay money every time. Why? We cannot continue being lenient over and over again and talking when the Government does nothing. We should say “No”, and the time will come when we will say “No”. We will say no—and stop praising them—and say so to everybody. If I am still alive, I will continue to bang this table and say we cannot continue to pay for something we never saw.

Mr. Speaker, Sir, as I said, these farmers are only given loans. These loans, only when they give a warrant of assent they say, “We give you Sh. 2,000 for development loan.” Do you know what they are given? They are given papers to go to the Kenya Farmers Association’s shop to collect barbed-wire. Some are told to go and collect wheelbarrows, others to go and collect fertilizers. and that is all. Who takes this money? Money goes back to the Kenya Farmers Association, and that money is flown back to England. What do we remain with? Nothing! We remain only with

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papers given to us to pay for something we never possessed. We are left bankrupt and we remain borrowing money from other sources in order to pay and please the Government. If hon. Mboya could agree with newspaper reporters that we pay more money than what we borrowed, in order to please the British Government, would it not be wise for the Minister for Information, instead of interrupting me here, to go to the Cabinet and put an agenda and say no more repayments would be made merely for pleasing the British Government. You cannot come here and shout to me and say that hon. Kebaso is trying to say "that and that"; otherwise we will ask the people of your constituency not to bring you here in the next election.

Some people, Mr. Speaker, enjoy here, and we do enjoy here, we selected Members; but we do not forget that we were elected to see the people who are suffering at home. We may have a very little time, and every Member's time is counted by God. If God says that you will not be here throughout the life of this Parliament, or next time you will not turn up, then the voters at home will start asking what we are doing. So, forget about this money. What is money? You may have thousands. Voters will be told "If you are given money by hon. Kebaso or hon. Osogo, buy anything you like to buy, even educating your children; but when you go to vote, because he is the wrong type of Member, vote for somebody else". How many people have been deceived in that way and their money is lost? People only need money, and forget those who are suffering. Mr. Deputy Speaker, Sir, you know in this country of Kenya, a lovely country, there are some women and men who have never tasted sugar in their lives. Yes, we come here, and say that repayment to be effected repeatedly. No, we are going to see that those who are suffering, are looked after well. If I continue disregarding the poor people, probably when I am dead, my children will be disregarded by the public. So, we must be careful when we are in this House, and remember that there are hundreds of people who are suffering. These hundreds of people who do not have money, must not be given a heavy burden of paying for something they never saw; and you people, in particular, never saw. Time has come when we must not merely pay for something in order to please the Government. If it means death, let us die.

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

Mr. Omweri: Thank you, Mr. Deputy Speaker, Sir, and hon. Kebaso for agreeing that I should

second this Motion, because I happened to be a settler in the Isoge Scheme and I will show the sufferings as a sufferer.

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

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

Mr. Speaker, Sir, the calculation of subsistence economy on this scheme was originally calculated on the basis of four cattle per plot, but unfortunately, to start with, no settler in the Isoge Settlement Scheme has had two or more than two head of cattle, because the board happened not to have enough cattle. So, the few they got, those who managed to get two, and those who happened to get one, unfortunately, most of them died. So, you can now see that when we are already short of the actual figure that is estimated to be enough to sustain a settler in a scheme like Isoge, and when the few he got died, the person is left in complete confusion as to what he should do. This is what the settlement scheme or the Ministry tells us. This problem, where the cattle have died, we know that there is no actual subsistence going to come from the plot to help the farmer to continue getting the income to sustain himself and at the same time be able to pay for the loan.

The other point included in the calculation was about maize. Mr. Speaker, Sir, the maize price at that time, was Sh. 28 per bag; but the price now, as the hon. Members know, has been reduced and very soon it will be less than half of that figure. This has not been taken into account. These fellows whose loan repayments were based on a higher income is no longer able to meet the repayment. So something must be done to find out what is the matching balance. What should be done to match these shortcomings, because you cannot calculate a high figure—you do not give the settler enough cattle—you do not give the price for maize, but you still maintain that you are getting milk from cattle, you are getting income from maize, which he is not actually getting. So, the Motion, Mr. Speaker, is very fair; it does not ask for the stoppage of repayments, it asks that there should be a suspension of repayments for the time being, because these fellows are in complete poverty at the moment.

The second point, is an invitation which is asking the Government initiative, if it is interested in the citizens of this country. The Government should investigate and send in experts to do a proper job in the economic survey in order to see what would be a good figure for these farmers to sustain themselves and be able to repay these

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loans. Where will the income come from? Is it from the cash crop or is it from the dairy cattle, or where is it from? Mr. Speaker, Sir, this is why we have this Motion, because the Government is urging the people to pay money when it has not given adequate facilities to enable farmers to get income that will enable them to meet these repayments.

Mr. Speaker, Sir, one other point which makes me support this Motion is the question of the officers. It is the point that the hon. Mover wanted us to touch on and was asked whether it was relevant. I want to make it relevant here. The reason why most of these farmers fail in this particular scheme, and maybe in other schemes, such as Nyandarua and others, is that we get officers whose homes have no settlement schemes. They have never heard of settlement schemes, and these people are the ones who come from New York. One of them was given work in Isoge Co-operative Society, in what they call "Economic Appropriation". Was it necessary? How will they get their team organized? How will they get their crop brought to an organized market and what other income there should be? And these people say that I do not just know. We feel that we do not get the proper people to advise the Government as to what the farmers are suffering from. We just put people there and we get contented that the Peace Corps are very learned; they are wizards and, therefore, they know all our problems. They do not know, and it is high time, Mr. Speaker—and this is my main point or suggestion—the Government removed these people from our settlement scheme in Sotik. Even if they do not remove them from other places, they should be removed from Sotik because they are a danger to our development. They are retarding our progress, and they are misadvising the Government which they should help to understand the economic appreciation of the people they are settling, the people the Government aims to help.

Therefore, Mr. Speaker, Sir, whereas I do not want to show the hon. Minister for Information that soil testing has been done in this area, and has proved successful in various crops, I would like to suggest to the Government that there is no need for soil analysis in this area. This was initiated by the wrong type of people, whose interests were different from those of African settlers who came to these new plots.

Hon. Members: Hear, hear!

Mr. Omweri: If they want to send in proper people, our chaps who understand what this

means, then we are prepared to hear that; otherwise the settlers themselves, including myself, have done this soil testing practically. We do not need test-tube tests. We need practical tests on the soil, and, Mr. Speaker, Sir, I want to assure this House that the Isoge Scheme, it is quite possible to grow high grade tea, first class tea, because we have done this practically.

In one plot, one of our settlers managed to buy his own tea and planted it, and that tea is doing pretty well. You need no testing. You can just visit there and see that tea can grow.

Mr. Speaker, Sir, pyrethrum—the other day we were told to plough it down because we had no quota. When we asked why, we were not told—the officers who tried to explain this to the farmers said, "You have been instructed that you should not grow pyrethrum in this area," and the main reason is that the subsistence calculation did not include pyrethrum. You are given cows and maize. That is the reason. At that moment, one man rose up and ruled out that people should not get the crops which were not included in the original calculation. This is very awkward reasoning, because we cannot be tied to, shall we say, the status of 1962, when this survey was done. This is wrong; we have to see how things change. This is a world of changes, and everything has its own progress, and in this case, Mr. Speaker, pyrethrum must be allowed to grow. All that we support the Government in is that it must be of high grade so that it can compete with the trade of synthetics. To give us the reason that it was not included in the original calculation is very bad, and nobody would understand that. Therefore, Mr. Speaker, the Government will one day have to answer, when these things will be imposed on them.

Mr. Speaker, Sir, I think one point I should suggest to my friend, the Assistant Minister, who is listening very keenly to my speech is this. In conjunction with the Minister for Agriculture, they should send to Isoge—I do not mean this Isoge Settlement Scheme now, but the adjacent area—a team that cleared the swamps at Yala, to clear this place as well. It is inhabited by tsetse flies. Most of the cattle which died at Isoge Scheme, and the Kinini Ranching Scheme, died because of diseases brought by tsetse flies. So, Mr. Speaker, I would suggest that this clearing team be sent there to clear the forest and allow us to plant pyrethrum and tea. I also support the Motion very strongly, the suspension of repayment be made at the moment, awaiting the experts' report.

(Question proposed)

The Assistant Minister for Lands and Settlement (Mr. Malinda): Mr. Speaker, Sir, I have chosen to speak now, so that I can put some corrections in the question as proposed and brought forth by the hon. Mover of the Motion.

Before I do that, Mr. Speaker, I regret very much that the Government is not in a position to reply, or to give any indication, as to what other settlement schemes are in this question because we were not given an indication that the Question which has just been proposed would bring in such things. When we talk about other settlement schemes, Mr. Speaker, this gives us a colossal area covered by these settlement schemes. Nearly all settlement schemes are not identical. They do not have the same problems, and for that reason, Mr. Speaker, I am not going to touch any other settlement scheme except Isoge.

Now, the other point is that the question of this Motion, of Isoge Scheme, has been looming over our Ministry for a good six months. Last March, I personally made a trip to Isoge Scheme, and in fact I visited a lot of settlement schemes in Kisii and Kericho Districts. The hon. Mover of the Motion was informed in good time that I was going to visit this particular settlement scheme, and he was asked to come and indicate to me what he was concerned with when he gave notice of this Motion.

Unfortunately, Mr. Speaker, the hon. Member did not turn up. I met some other Members from Kisii, and some from Kericho District, but this particular Member did not come. He left a message that he was going to Nairobi; but in the same evening, Mr. Speaker, the hon. Member was following my road.

Mr. Kebaso: On a point of order, Mr. Speaker, does the Motion concern me personally, or does it concern the Isoge Settlement Scheme? Why should the Assistant Minister query my travelling. The Motion is talking about Isoge Settlement Scheme, not Mr. Kebaso.

The Speaker (Mr. Slade): The hon. Member is entitled to question your conduct with regard to this matter which you have raised, if as he alleges, you had an opportunity to examine with him on the spot the troubles which you complain about. That is, therefore, relevant and in order.

The Assistant Minister for Lands and Settlement (Mr. Malinda): Mr. Speaker, Sir, as I was saying, the hon. Member went along the road I had travelled earlier, and we met at Kericho Tea Hotel in the evening, and then he started saying, "Oh, look, you know, I could not come along with you."

Mr. Speaker, Sir, I think—and this is my reason for bringing up this matter—he knew that there was no substance in his Motion, because what his Motion alleges is untrue. He knew that his allegations were untrue, and therefore, he tried to escape examining the truth on the spot with me.

The Speaker (Mr. Slade): Order! No, Mr. Malinda, you are now going too far. You are, in fact, imputing improper motives in the form of insincerity to the hon. Member. You must not do that. It is all right to criticize his failure to examine the situation with you, but it is not all right to say that he is deliberately moving an untrue case.

The Assistant Minister for Lands and Settlement (Mr. Malinda): Mr. Speaker, I am sorry about that.

Taking the contention of the Motion in the first part he says that there are no cash crops owing to bad soil. Now, Sir, Isoge Scheme does not have bad soil. There are some places where there are stones, there are some places where there are pieces of land which are waterlogged, but the Seconder of the Motion, I am sure, will bear me out, and he has even indicated in his speech that the Isoge Settlement Scheme has very good soil and he, himself, contends that Isoge can be planted with tea. Now, I cannot see how the two can justify their bad-soil contention.

Mr. Kebaso: On a point of order Mr. Speaker, the question of tea being planted at Isoge was touched by another Member, not me. You ought to be a bit careful when you are speaking.

The Assistant Minister for Lands and Settlement (Mr. Malinda): Therefore, Mr. Speaker, this goes to show, clearly, that Isoge Scheme is not altogether composed of bad soil.

Again, to indicate that the area is not entirely composed of bad soil, I would say that there are 107 plots. To start with, Sir, the whole Scheme is composed of 4,490 acres. Now, out of these 4,490 acres, 107 plots are "B" plots; in other words, they are the plots which are situated in places where the soil is good and, therefore, the sizes of the plots are not big. These "B" plots can be planted with anything if the permission to do so is obtained.

Now, the other 36 are "C" plots which are slightly larger, and this is because, as I said earlier, you find some parts of the land waterlogged and some parts of the land are full of stones and cannot be cultivated. For that reason the "C" plots are slightly larger. So you can see, Mr. Speaker, that it is less than even 40 per cent

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of the whole scheme which is considered by our experts to be of slightly less potential. In any case, Sir, plots of a larger size are given in order to compensate for the inadequacy that is experienced in these 36 plots.

When this scheme was initiated, settlers were given loans to develop the plots. They received Sh. 4,000, each settler, that is, for the purpose of buying the plots. Each of them was also given Sh. 2,000. This applies to all the plots, irrespective of whether they were "B" or "C" plots. Now, the Sh. 2,000 was earmarked for them to buy milch cattle; and for the hon. Member to say that there is no income coming from these plots, I cannot understand. In fact, Sir, I will come to the question of revenue later on.

Now, I want to go further and state that the hon. Member says that the cattle which were bought through Government loans have all died. In other words, he says that all the cattle they bought with Government loans have died because of unknown reasons. This, again, here, is not correct. I am sorry to say it is rather misleading, (a) for one to say that all the cattle have died, and (b) to say that they have died of causes which are unknown.

Sir, by the end of March last—this is as a result of my visit to Isoge Scheme—I asked the livestock officer who is resident in the settlement scheme to give me an accurate and up-to-date list of all the cattle that have died within that scheme and what reasons had caused these deaths. Now, Sir, out of 834 cattle, only 11 had died up to the 31st of March. Notice of this Motion was given, I think, about six months ago. Up to the 31st March, 11 head of cattle have died. These are the deaths which have been reported to the livestock officer. If there are any other deaths which have not been reported, Mr. Speaker, how am I expected to know? How is my livestock officer expected to know? If a settler goes and slaughters a head of cattle for his friends, or for a marriage ceremony, that is entirely outside the scope of my officer's work. Out of these 11 head of cattle, the reasons for their death have been as follows. One died as a result of red water; three died as a result of East Coast fever; four died from anaplasmosis; only one died of trypanosomiasis which is caused by the tsetse fly; and there are two deaths for which the post-mortem could not be carried out because of the reports having been made too late. Therefore, Mr. Speaker, it will be seen that all these deaths, except this one which died as a result of the tsetse fly disease, trypanosomiasis, could have been easily prevented if only

the settlers dipped their cattle and used strong enough fluids to prevent ticks from infesting the cattle. The animal which died of trypanosomiasis could have been given an injection and could have been cured. We battle with this in other places in this country. There are other places where trypanosomiasis is much more prevalent than in this area.

Therefore, Mr. Speaker, for the hon. Member to say that all the cattle which had been bought have died is very erroneous and, I think, also very misleading to the House.

He says that the cattle which were bought were barren. In other words, they could not produce. Mr. Speaker, could I tell him that the population of the cattle in that settlement scheme, now, is 357 mature cows. This is as at 31st March. More may have come in, the number may have increased. As at that date, there were 329 young calves, of which 136 were heifers of over one year, and 193 calves of under one year. There were 11 beef calves and 137 work oxen. Of course, these do not produce, but it will be seen that far from the cattle being barren, they have, in fact, increased quite tremendously. So for the hon. Member to say that they have not been increasing, again, is very wrong.

Now, Sir, the hon. Seconder of the Motion stated that the Peace Corps people who work there—I think it was Mover of the Motion who said that the Peace Corps officers who are working in Isoge Scheme, or in those schemes in Kisii, travel in vehicles, with Local Purchase Orders in their pockets, everywhere they go they purchase petrol, and the petrol price is added to the settler's loan which is to be repaid. Mr. Speaker, I am categorically denying this because these people do not work as though they were employees of the settlers. These are employees of Government, they are paid by Government, and the petrol which they use is paid for from Government funds. In fact, Sir, this cannot happen because when the settler gets into his land he signs a contract, an agreement with the Settlement Fund Trustees that he will be paying so much per six months. It has not been brought to this House that instead of the Isoge settlers paying Sh. 580—which they ought to be paying every six months according to the agreement—that they have been asked to pay Sh. 700 or Sh. 600 due to the fact that the Peace Corps people have been increasing the amount of loan to be repaid. This, again, cannot be accepted and we do not agree with this. This is not true.

Mr. Speaker, I want to tell the House what we have been doing and what we have been able to achieve in this particular settlement scheme. Last

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year, although the budget for the scheme was that 242 acres should have been planted with maize, in fact, 500 acres had been planted with maize. This shows that this area is quite capable of producing, in fact, nearly everything, every crop that these people would like to plant. I would like to urge the hon. Member to tell his people in Isoge Scheme that they can also go on and experiment with other cash crops, such as passion fruit. There is a factory in Sotik. If they planted passion fruit, they would get some money for it.

Mr. Speaker, I am also glad to announce that this year the Pyrethrum Board of Kenya has agreed with my Ministry that they will give Isoge Scheme a quota of 10,000 pounds of pyrethrum to be produced by these farmers. Here, again, there is an indication that the Government is doing something for these people. The only thing which is actually needed is for them to work hard and to be more industrious.

On the other side, Sir, because the budget for these plots included the production of milk, I am also glad to say that as a result of an arrangement between the Kenya Co-operative Creameries and the settlement schemes in Sotik, a lot of milk is being produced from Isoge and has been received by the Kenya Co-operative Creameries. It might interest the House to know that in January, just over 1,000 gallons of milk were delivered to the Kenya Co-operative Creameries at Nakuru from this particular scheme. In February it went down to 784 gallons. In March I do not know if the figure would have been higher if the hon. Member for that area had accompanied me, but it went up to 1,102 gallons. Again, in April, some transport difficulties arose and the deliveries dropped to 223. I believe that this has now been rectified and more milk is being transported. This, Sir, is something which the people of that area should be very proud of and should consider themselves to be very fortunate to have obtained plots in this area which is, as I said, capable of producing every feasible crop.

Mr. Speaker, with these few remarks, I cannot accept the Motion. I oppose the Motion.

Mr. Onsando: Mr. Speaker, Sir, I will only make a few observations on this. First of all I am rather perturbed to hear the Assistant Minister give us very conflicting figures on the cattle. He told us that there were 834 cattle and 11 died. Then he went on to tell us that there were now 325 mature cattle, and he gave us another figure of 329. These two figures are very conflicting and I think that when the Assistant Minister visited the area he should have told us, actually, how many cattle were bought with Government loans.

I know settlers in that scheme who have bought cattle with their own money and I feel that the Assistant Minister has included them as if they had been bought with Government loans.

Now, Sir, when we look at the scheme, I think we have a case why the Government should suspend the repayment of loans. He has said that in relation to milk they have been delivering over 1,000 gallons, Mr. Speaker. The Assistant Minister has not told the House how much money was paid to the settlers from the sale of that milk. We know that in this scheme settlers get about 70 cts. per gallon, and I wonder whether that is economical, whether that can enable a settler to repay his loan.

I think there is something wrong here. If three years ago the scheme was considered to be unsuitable for pyrethrum, how is it that now it has been found to be suitable for pyrethrum and settlers have been allowed to grow pyrethrum? If it has been accepted that the settlers can now grow pyrethrum, then we have a case to say that the economical appreciation of this scheme was wrongly calculated and settlers should not be asked to repay the loans.

Mr. Speaker, Sir, we who are the former settlers of this area know the area very well and you find that these people kept only cattle. There were ranches, but these people were not growing any crops. I cannot understand, therefore, how the Ministry could advise settlers to grow maize and other crops in an area that was considered suitable for growing pyrethrum. This is why we say there was something wrong in the Ministry and the Minister now has to correct this by waiving the repayment of the loans.

The Assistant Minister has not taken one point into consideration when talking of cattle. Many of the cattle are sterile because the artificial insemination method has failed. It is no use counting the head of cattle when you are not getting milk from the cattle. I think this is an important factor that the Ministry should look into, instead of saying that there are a thousand and so many cattle, which are actually not bringing in any income to the farmer. They should advise that they should be sold and something else should be worked out. If a settler was given Sh. 2,000 to buy cattle—at the present price of cattle that is only three head, at Sh. 700 each. Perhaps only two. I cannot understand how two head of cattle can be economical to a settler for him to earn his living and repay the loans out of that at 80 cents or 70 cents per gallon of milk. I think there was something wrong here, and the Mover of this Motion has suggested that repayment of

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these loans should be waived or suspended completely and the people should be given time to develop their plots so that they can build something to enable them to repay their loans.

I do not want to say anything more about the nature of the soil because this has been covered by my colleagues. I would only add one small thing and that is that when His Excellency the President announced the two-year period of grace, these people had already been asked to repay their loans and they did not benefit out of this statement, which means they were being asked to repay their loans, as it was previously, after six months. After six months it is sure that none of the cattle had delivered and so they had no income, and so I feel they have been unfairly treated. I would ask the Ministry to review this and suspend the loan repayments completely for the people of Isoge, and I support the Motion very emphatically.

Mr. Kago: Mr. Speaker, Sir, I would like very strongly, of course, despite the fact that the Government has opposed this Motion, to support it because this Motion is not asking Government to do something which they cannot do. We are not asking the Government to stop the payments or to withdraw the repayment of these loans from the farmers; all we are asking the Government to do is suspend the payments for a time.

Mr. Speaker, as one hon. Member said, I think this House would be interested to know how settlement schemes have been reached, because some of our hon. Members have only heard of settlement schemes but have never been fortunate enough to live on these settlement schemes. As it appears to me, the whole set-up went wrong right from the beginning. You can remember, Mr. Speaker, that it was arranged that loans should be repaid; the first billing and the first payment should have been made by farmers after they had finished six months on their plots: I think this is asking really too much because when one is asked to settle on a plot one does not need only six months to settle down there. One also needs this time—and even more—to start cultivating, to start getting these animals and, of course, the other supplies one needs. By the time six months are finished, this settler has not done anything at all. Comparing this type of settlement with the former settlement that we had, I think it can be seen that this was very wrong. The other farmers that were settled by the same Government which initiated this thing were not asked to repay their loans after six months, but they were given sometimes five years or two years—or something like that—and thereafter they paid yearly what they owed

to the institutions that had given them loans. However, our settlers are asked to repay these loans after only six months. This is a very wrong arrangement which cannot be coped with and I think it is high time that the whole thing was reorganized.

Mr. Speaker, another thing that was very wrong, and which has caused this problem, is the budgeting of the schemes. You will find, in many schemes, people are told to grow only one crop or, to keep only one type of animal which, in fact, in many cases, do not go along with the soil.

Mr. Speaker, I come from a wholly settled area and I have this problem of settlers and settlement schemes very vividly in my mind. The hon. Members who have spoken have mentioned mainly the settlement schemes around Sotik or in what we call the northern area. We have other plots and settlement schemes which have the same problems, and I should think, even though Government has rejected this Motion, they should go into the whole problem and I also see to it that something is done about these problems affecting these other schemes, especially in Nyandarua. We have schemes like Malewa, and here the former settlers who were there did nothing but grow wheat. But when the African settlers were brought there, nothing like wheat was even mentioned; they were only told that they could keep some cattle, which the former settlers were not keeping well. They were told they could grow pyrethrum, which the former settlers were not growing and which, in fact, cannot grow well; but this was imposed on them.

I can also mention other schemes like Mawingó, Kahuru, especially where I live, Muruwaki, Karati, and several others. The problem, Mr. Speaker, is the planning. It should be changed because the circumstances that existed then and not only that but because the planners that did that—I can say this—might have had some pecuniary interest in the whole set-up, because I think it was very wrong. Let us face it, most of the planners who did this were mainly the farmers who had been living on these farms and they were aggrieved because they had been told to leave their farms and be bought out and so I am sure the advice they gave was not correct. This, as it has been said, has been proved by other Members who have spoken earlier.

Mr. Speaker, problems have come up, crops which had been suggested by the planners have proved a failure; synthetics and other destroyers of such proposals have come up; prices and what not have come up. Why can the Government not, along with trying to cope with this, try also to

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look into the other side of the affair and not let farmers remain in the positions in which they are meant to remain, because circumstances have changed; they should be put in another set-up. This is why we say that another kind of research should be gone into. The hon. Members have mentioned such other crops like tea, but also we heard a mention of other crops like Macadamia. These, I understand, can grow very well in some parts of Kenya, especially in the Nyandarua settlement schemes. Why has this not been gone into? Why has the Government not tried to encourage new research in these areas? I think the Government is failing in this and I feel that if they are only going to insist on repayments, one day they will find that no repayments will be forthcoming because the people will not have anything.

Mr. Speaker, we who are in—what the hon. Kebaso said—the Sifting Committee have visited several schemes and it is true that these are the problems that affect these farmers, and they are known to us and we have also brought them to the Government. There is a lot to be done; there is re-arrangement that must be done. We must not just leave it to the farmers to struggle by thinking what they can plant which, in many cases, does not fetch a market. I think Government should step in and not leave the farmers alone.

Further, Mr. Speaker, when farmers have found something that can help them out, Government should not then come and tell them they should not do this. We have had this problem where some farmers have thought, for example, about wheat and some of them, from small plots, had to fight very hard with the Settlement Ministry to allow them to plant wheat. When they are facing starvation of some sort, why should the Government come and say “No, because wheat was not mentioned in your budget, you cannot be allowed to plant it, and if you do you can only be allowed after a hard struggle.” Farmers should be left free to experiment and if they get something new Government should accept it and help to get the markets, but not leave the farmers on their own.

Mr. Speaker, I beg to support the Motion very strongly.

Mr. Kamau: Mr. Speaker, Sir, this Motion is a very straightforward Motion and I want to make one remark and I would like the Government to note this: I am not happy and I am not satisfied to see that such a Motion is going to be answered in this House by the Assistant Mini-

ster. The Minister for Agriculture should have been in this House because we have seen the tendencies of this Ministry; it is a crucial Ministry. However, it is always the Assistant Ministers who are the ones who are responsible for answering all the questions relating to this Ministry. I think we should have the Minister himself here because we feel—and I must say this—the present Minister (and I am not talking of him as a white man)—is the man who has been the backbone of the agricultural movement in this country and he should be here to hear our views. We know that the economy of this country lies through this Ministry.

I would like to get the guidance of the Speaker if I go outside the Motion; but I think I am in order to say that the Minister for Agriculture has been in the Ministry of Agriculture for a long time, even during the colonial days. Most of the criticism of our agriculture has come on his side.

Mr. Speaker, Sir, if we now come to the planning of these settlers who were sent to the settlements, we find, if we read all the reports—Land Trustees and the rest of them—controversial statements in these reports, which contain our complaint that we are not satisfied with the way the Ministry of Agriculture is run, especially when we come to these settlement schemes. You find that our people have been planted in these areas. As the hon. Mover of this Motion has said, Isoge is one of the examples, the whole of Nyandarua is another. We have visited these places several times and we have seen how our people are suffering. You find that where the former settlers used to grow wheat, when the Africans take over this land he is refused from growing wheat and told to keep animals. Some of these settlers—an African taken from somewhere else—have no knowledge on keeping cattle. Why did these people not keep cattle there formerly? This is simply because there is an arrangement to exploit the ignorance of these people by consuming the money lent from Britain and this money should have been used wisely by putting these settlers in areas where they would be advised by the agricultural experts. They should be advised from the beginning what should be the correct crop to be grown in that case. To put settlers in a place and give them a loan of Sh. 2,000 or Sh. 4,000 to help them in keeping cattle, and then after six months you ask him to repay, this is ridiculous, Mr. Speaker, Sir. If we have any knowledge, we know that it takes nine months for a heifer to produce a calf and I do not know what logic made them ask for the repayment of the loan after six months. Where would the settlers get the money? I would not

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like to repeat what all the other hon. Members have said, because it is well known that when a person only has cattle with which to repay his loan, the cattle will not be in production by that time.

This is a very, very serious thing, Mr. Speaker, and I think the planning should be very much revised for the settlement schemes as a whole in the country. This is going to put our Government in a very ridiculous situation. Consequently, we are looking to see whether those people will be moved from the places where they have been put.

I entirely disagree with the Assistant Minister when he tried to calculate the population of cattle, the quantity of the milk and everything that has been produced in this particular scheme. The Motion here states categorically that all the cattle bought with the loan money have died. The Assistant Minister is trying to calculate that the milk comes from the same cattle, those that are alleged to have died. As I understand it from the Seconder of the Motion, the settlers, because they fear that they might lose their land, have bought cattle with their own money. The question here is to suspend the repayments of these loans until the experts come in and advise why these cattle died.

I think, Mr. Speaker, Sir, it would be wrong—and I must repeat what I have said several times here—because this is an African Government and we cannot come here as Africans to oppose other Africans. I wish the hon. Assistant Minister was a white man so that I could face him. I now regret to see what the country will say when they see Africans opposing each other. On what grounds? This is why I am saying I would have liked the Minister himself to have been here as I have a word to tell him.

An hon. Member: He is an African.

Mr. Kamau: No, he is not an African. I want to tell the Minister for Information that the Minister who is in Agriculture is not an African, if he wants to know the truth. This matter of settlement has so many complications.

The Speaker (Mr. Slade): Mr. Kamau, this Motion is actually being answered by the Ministry of Lands and Settlement.

Mr. Kamau: Mr. Speaker, Sir, when it comes to the issue of cattle, I do not think the Ministry of Lands and Settlement deals with cattle, it is dealt with by the Ministry of Agriculture. However, I agree with the Speaker that it is going to the Ministry of Lands and Settlement.

However, Mr. Speaker, Sir, I would say that if I said anything perhaps to challenge the Minister for Agriculture, I withdraw.

I remember the hon. Assistant Minister who is answering now used to be in the Ministry of Agriculture and he was causing all these difficulties that he has now brought again to the Ministry of Lands and Settlement. I would say that this is the wrong time for an African to oppose another African, and if you were not in the Ministry when all these things were done we thank you in this House to—

Mr. Khaoya: On a point of order, Mr. Speaker, would the hon. Member speaking substantiate that when the Assistant Minister was in the Ministry of Agriculture he was causing the problems which are now before us? Can he substantiate by naming a specific one?

The Speaker (Mr. Slade): I do not think it matters, so let us carry on.

Mr. Kamau: Thank you very much; he might have misunderstood me. What I would say in brief is that the Assistant Minister for Lands and Settlement should join the Members here in supporting this Motion, so that we can go into this particular issue and see that these settlers' case is raised and that these loans are suspended until the experts can come and report back as to why these animals are dying.

Mr. Speaker, Sir, I beg to support.

The Minister for Information and Broadcasting (Mr. Osogo): Thank you, Mr. Speaker. I think the wording of this Motion is very unfortunate because the preamble of the main theme of the Motion does not make any substance. That is why the Government finds it very difficult to support this Motion.

The fact that an amendment was made to cover other schemes which were not specified, still makes it difficult for the Government to support the Motion.

Mr. Speaker, Sir, I have just stood up to make a bit of analysis of the language as it is in the Motion. Mr. Speaker, the Motion reads, "that in view of the fact that some settlers at Isoge Settlement Scheme in Sotik and some other settlement schemes grow no cash crops at all,..." simply because the soil is infertile. Later on, in the theme of the Motion, we are told alternate cash crops can be grown on this soil. We are not told in the Motion, Mr. Speaker, that we should improve this soil. The Motion says that no cash crops can be grown on this soil because it is infertile. Later on, it says that alternate cash crops can be grown

[The Minister for Information and Broadcasting] on this very infertile soil! Sir, that does not make any sense to me, nor to the Government, because, Mr. Speaker, the Motion does not ask us to improve the soil. The Motion asks us to look for alternate cash crops which can be grown in these areas of bad soil.

Sir, this is not new land as far as we in the Government know. It is old land, and it has been farmed by other people before. We know what cash crops can grow there. We have been told by the Assistant Minister, and of course by the Seconder of the Motion, that the soil in this place is not infertile at all. Still, the Mover insists that the soil is infertile, although his Seconder does not agree with him. Now Sir, who are we to believe, the Seconder of the Motion, who says that the soil is fertile or the Mover who says that the soil is infertile? This, Mr. Speaker, is a big contradiction between the Mover and the Seconder.

The other point, Mr. Speaker, is that we are told further in the Motion that all cattle, mark the word "all", that were bought through Government loans have died from unknown causes. Sir, I actually disagree with the amendment because it implies that all cattle in other schemes have died, which is not true. So, Mr. Speaker, this House is going to pass something that is not true, since all cattle have not died in any scheme. Now, Sir, if we want to ridicule this House by passing what does not make sense, and which will be read later on by people who may challenge it, we, as the Government, are not going to be a party to it.

Mr. Speaker, we are told by the Seconder of this Motion, who is also a settler in that area, just as the Mover is, that he knows the diseases from which these cattle died. The Assistant Minister for Lands and Settlement has specified the causes here. He has given the names of the diseases. Now why should we be put in this difficult position of admitting ignorance, that we do not know why the cattle died? We must be told by somebody who it is that does not know why the cattle died. It is not the Government because we know the reasons, Mr. Speaker. So, we cannot be a party to that, and cannot accept this Motion. We do not want to admit ignorance of something we already know.

Mr. Speaker, it is just the wording of the Motion that is unfortunate. I followed the speech of the Mover keenly, and I think he wanted to move a Motion here, to ask the Government to write-off all loans given to settlement schemes. Let it be worded that way, and the Government

will deal with it. During the course of the debate, Mr. Speaker, and if the hon. Member for Embakasi was here, the Mover of the Motion based his argument on loans from Britain, saying that they should be written-off and that they should not be paid. Let the Motion be worded that way, and then the Government will have an opportunity to deal with it that way.

This House will give the Government power, since it is supreme, not to pay these loans and write them off. We will do that; but we cannot accept a Motion which is wrongly worded. If I were to amend this Motion, the Mover would have to accept that I would be teaching him English, but I do not want to amend it because I do not want to become a teacher in this Chamber to the hon. Mover who is a teacher and, maybe, he is better educated than I am.

Mr. Speaker, I do not want to amend this Motion. It is upon the Mover of this Motion to find an appropriate and suitable language to word this Motion. With these few remarks, Mr. Speaker, we find it very difficult to support this very badly-worded Motion.

The Speaker (Mr. Slade): Mr. Godia, you have just three minutes before the Mover replies.

Mr. Godia: Thank you very much, Mr. Speaker. I would like to say, Mr. Speaker, Sir, that it is very unfortunate, that the Government stands to oppose the Motion, which is as a result of the complaints brought about by our own people in the settlement schemes.

Mr. Speaker, Sir, I think that the Mover of this Motion has been speaking for the settlers in the area from which he comes. Although the Motion has already been amended precisely, to cover problems in other settlement schemes, this problem exists there. The settlers in this particular area bought cattle and these cattle died from causes best known to the Ministry of Agriculture. Mr. Speaker, Sir, I think we should not recommend that these settlers be made to pay for these cattle. This would be very unfair, Mr. Speaker. We should be very reasonable in this particular case and should help the settlers.

It should be the aim of the Government to help the settlers live peacefully. If we do not take in views of the settlers, then we are of no use to them. I appeal to the Minister for Agriculture to be sympathetic to these African settlers, because they are suffering hardships. We should pay heed to their complaints and try to help them where necessary.

Mr. Speaker, Sir, I think the Minister for Information in opposing this Motion because the language in which it is drafted is wrong, is also

[Mr. Godia]

doing wrong because it is up to him to re-draft the Motion in the manner he thinks it will be meaningful because his people are also in a settlement scheme and are suffering in the same way. I think, Mr. Speaker, Sir, I wholeheartedly support this Motion and I will congratulate the Mover for bringing about this Motion to this House, so that we may find means of helping the settlers. Now in suspending the payment of loans from these particular settlers, it would be an opportunity for the Government to find ways and means of helping the settlers so that they do not suffer much. Mr. Speaker, Sir, I would also like to add that in the loan repayment it should be possible for the Ministry of Lands and Settlement to re-organize things so that settlers are only allowed to pay once, since they harvest once in a year, instead of paying twice. In the case of animals, repayments should be different.

Mr. Speaker, Sir, I mean to indicate that it is good to support the Mover of this Motion, although the Minister and Assistant Minister are opposing it. They should understand that we are the Government, they are not a government by themselves.

The Speaker (Mr. Malinda): Order! It is time for the mover to reply.

Mr. Kebaso: Mr. Speaker, Sir, I am very grateful for the support I have had from my colleagues. I must say, Mr. Speaker, that you, as an old man who has been in Kenya for some time, you have never come across an aeroplane engineer going to repair, or becoming the mechanical engineer for a motor-car. So, Mr. Osogo, who has spoken, appears to know nothing about agriculture. He should have left that to be handled by people who deal with the soil.

If the Assistant Minister can say that that area is suitable for cash crops, then was it not possible for the former settlers in Isoge to plant coffee or tea? You find that not a single cash crop was ever planted in Isoge. The soil was assessed by officers of the Ministry of Agriculture and it was found to be completely unsuitable. If the Assistant Minister can tell me that there were cash crops there in the same way that we found them in Manga, Nasionga and so on, then I could agree with him. But nothing has been planted in that area since 16 or 17 years ago.

I think, Sir, the Assistant Minister could have done a good service to the settlers if he could say here today that they are going to send tractors to make furrows so that the water could flow and kill all the tsetse flies. Thus the settlers would

be in a position to plant crops. That would have been very good; but arguing with a Motion blindly does not help Government, nor me.

In addition to this, for the Minister for Information to continue saying every two minutes, "We Government", if he says, "We Government" or "He Government", what does he mean? What are we? We are all Kanu Members, we are the Government. What Government does he have? Are we KPU? Are we not the Government? We are Government machinery. Therefore, he should not say that the things in my Motion are untrue.

Mr. Speaker, the Assistant Minister agreed that there are plenty of stones in some places in Isoge, and I am grateful that he has accepted this fact. You cannot grow cash crops on stones. If he has accepted that there are rocky, stony places in that area, then what else does he want me to complain about? He has, in fact, then, accepted my Motion.

He also said that some people were given Sh. 4,000 and others were given Sh. 2,000. I say that the settlers are treated equally. If the figure is Sh. 2,000, then it is Sh. 2,000; and if it is the question of Sh. 4,000, then it is Sh. 4,000. We should not be given two different figures.

He said 11 cattle died. He did not say how many were stolen. This place is on the boundary with the Kipsigis. He did not say anything about this. He only spoke of those cattle that had died, he did not say how many were taken to Chepalungu, how many were taken to other areas. He forgot to say all these things because he was hurrying up to tell me untruthful things.

On the question of the Assistant Minister denying about the Local Purchase Orders, I advise him to go back and check all the Local Purchase Orders. You go back and check.

The Assistant Minister for Lands and Settlement (Mr. Malinda): I did not deny that.

Mr. Kebaso: You did not deny that? Then why should this money have to be paid by the settlers?

On the question of the 1,000 gallons, I think the Assistant Minister counted Nansiongo, Getiogo, Esima, all these coming together to make 1,000 gallons. This does not relate to Isoge.

Mr. Speaker, Sir, if 146 settlers could be given two head of cattle each, that would make 292. If they could be given three head of cattle each, that would make it 438. He spoke of 800. Where did they get these cattle from? The cattle have died, the people were given two each, there have been no more cattle, and yet he says 800.

[**Mr. Kebaso**]

I want the Assistant Minister to make a note of this point, one which I have mentioned to the House several times. We harvest our maize once a year. The cattle produce one calf every nine months in the same way that a woman produces one child in nine months. So how do these people bill the settlers every six months before even they can produce a grain of maize? This is very wrong indeed.

I also think it was wrong on the part of the Government that two Ministers were charged with the task of settlement—Mr. McKenzie holding the head as Minister for Agriculture, and Mr. Angaine holding the tail as Minister for Lands and Settlement. Why do we want two Ministers, one holding the head and the other the tail, pulling each other? Why can we not leave the whole question of settlement under Mr. McKenzie or under Mr. Angaine? The whole thing is confused because two Ministers are working on one thing.

Mr. Speaker, where the Minister argued about cash crops, I would like to say that where tea is grown you can never grow coffee. The same applies in the areas where coffee is grown; you just cannot grow tea there. So he should not mislead the House that things are all right in Isoge. I want to tell him that he should go back and tell the people what to do at Isoge.

I do not think the Assistant Minister knows what he is doing because, the other day, in February this year, I asked him to tell this House who pocketed the money the former settlers paid for the land? He said he did not know. You should not work on something you do not know. What are you talking about?

The Speaker (Mr. Slade): Order! No, no, Mr. Kebaso, keep calm and address the Chair.

Mr. Kebaso: Mr. Speaker, all I am asking Government to do is to send some planning officers to the area so that they can advise the people at Isoge Settlement Scheme. Let the Government send us tractors to help us to make furrows. Let the Government also send some experts to kill the tsetse fly so that my voters in Stotik will benefit from the fruits of independence.

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

(Question put and agreed to)

ADJOURNMENT

The Speaker (Mr. Slade): Hon. Members, that is the end of the business on the Order Paper.

So the House is adjourned until Monday, 26th May, at 2.30 p.m.

The House rose at twenty-eight minutes past Twelve o'clock.

Monday, 26th May 1969

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:—

1965/66—Statement of Excesses.

1968/69—Supplementary Estimate No. 2 (Recurrent Expenditure).

1968/69—Development Supplementary Estimate No. 1.

L.N. 116—The Banking (Licences) (Form and Fees) Regulations 1969.

(*By the Assistant Minister for Finance (Mr. Balala)*)

Treatment of Offenders Annual Report 1967.

(*By the Assistant Minister for Finance (Mr. Balala) on behalf of the Vice-President and Minister for Home Affairs (Mr. arap Moi)*)

The East African Community—(East African Income Tax Department Report for the period 1st July 1967 to 30th June 1968).

East African Community—East African Industrial Research Organization Annual Report 1967-68.

(*By the Assistant Minister for Finance (Mr. Balala) on behalf of the Minister of State to the President's Office (Mr. Koinange)*)

The Pyrethrum Board of Kenya and the Pyrethrum and Accounts for the period 1st October 1967 to 30th September 1968.

(*By the Assistant Minister for Finance (Mr. Balala) on behalf of the Minister for Agriculture (Mr. McKenzie)*)

NOTICE OF MOTIONS

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

STATEMENT OF EXCESS 1965/66

THAT, a sum not exceeding K£108,164 10s. 05cts. be issued from the Consolidated Fund to meet expenditure during the year ending 30th June 1966, in respect of Statement of Excess 1965/66.

SUPPLEMENTARY ESTIMATE NO. 2 OF 1968-69—RECURRENT

THAT, a sum not exceeding K£638,394 be issued from the Consolidated Fund to meet expenditure during the year ending 30th June 1969, in respect of Supplementary Estimate No. 2 of 1968/69 (Recurrent).

SUPPLEMENTARY ESTIMATE NO. 1 OF 1968/69—DEVELOPMENT

THAT, a sum not exceeding K£1,482,819 be issued from the Consolidated Fund to meet expenditure during the year ending 30th June 1969, in respect of Development Supplementary Estimate No. 1 of 1968/69.

The Assistant Minister for Finance (Mr. Balala): Mr. Speaker, Sir, the President's signature has been signified to these Motions.

ORAL ANSWERS TO QUESTIONS*Question No. 51***WOMEN IN THE ADMINISTRATION**

Mr. Munyi asked the Minister of State, President's Office, if he would tell the House—

- (a) How many women were at present working as district officers or provincial officers in Kenya's Public Service;
- (b) what ranks of administrative posts they held;
- (c) what action the Government was taking to appoint more women in these posts.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, on behalf of the Minister of State to the President's Office, I beg to reply.

I will give the answers *seriatim*, as the questions appear in the Question.

- (a) None.
- (b) It follows that this does not arise.
- (c) The reason is that owing to biological factors, it is not possible to employ women in the Administration.

Mr. Munyi: Mr. Speaker, Sir, arising from one of the answers, that owing to biological factors that women cannot be employed in the Administration, and arising from the fact that more than half of Kenya's population is women, is the Attorney-General aware that this itself is discrimination as far as women are concerned and—

Mr. Kebaso: On a point of order, Mr. Speaker, since this House is a very busy House and by the Member bringing such a Question in this House asking for women to be employed as

[Mr. Kebaso]

district officers and provincial officers, knowing that we do not have such people, can you not, as Speaker, disqualify him from asking such a Question in this House?

The Speaker (Mr. Slade): Order! On the contrary, Mr. Kebaso, I am afraid I have to squash you for a bad point of order.

Mr. Munyi: Mr. Speaker, thank you very much. The other hon. Member who rose on a point of order, Mr. Speaker, has been ruled out of order by you and he should remain out forever.

All what I want to ask is this. Since, Mr. Speaker, there are a good number of women who have put forward their applications to the Public Service Commission for them either to be appointed as district officers or provincial officers, and since the Government has not responded to many applications which have been put forward by them, is this not discrimination as far as women are concerned? Is it not high time that the Government should take—

The Speaker (Mr. Slade): Order! You have asked your question, wait for the answer.

Mr. C. Njonjo: Mr. Speaker, I want to ask the House to consider this matter very seriously—and it is not an aspersion on our womenfolk—but the fact that women are not employed in the Administration is entirely due to themselves. One of the main prerequisites of men being employed in the Administration is permanency. If the hon. Member can produce a woman who will undertake to be in her post for five years, at least, without being involved with being pregnant, then that woman will be employed.

Mr. Mwithaga: Mr. Speaker, Sir, arising from the reply by the Attorney-General, which embodies a very serious remark about the women, would he not agree with me that what Kenya wants is not a question of biological requisites, but that of personnel whom we require, and if we can get it, even from the womenfolk, we should go ahead and get it?

Mr. C. Njonjo: Mr. Speaker, any person who is involved with the Administration, is quite well aware of the wastage that Government is suffering today because of the women who are employed. You employ a woman today and in six months she tells you that she is going to get married, another three months afterwards she is applying for maternity leave; how can you run a Government like that?

Mr. Odinga: Mr. Speaker, Sir, I think the Attorney-General has been very unfair to the womenfolk, because being pregnant is not a sin. This is also the same as men—

The Speaker (Mr. Slade): You must ask a question you know, Mr. Odinga.

Mr. Odinga: Yes, Mr. Speaker, does he not actually consider that these absences which women have are also equally the same with men; men also get sick and then they do not work for a good number of days within the year? With the women, in a year or two they only produce once. I want to make this very clear, Mr. Speaker, because it is a very important thing.

The Speaker (Mr. Slade): It is not the occasion for a speech; you have asked quite a long question. Order! Order! Let us hear the answer.

Mr. Odinga: Can I finish it, Mr. Speaker?

The Speaker (Mr. Slade): You asked the Attorney-General to agree with quite a long proposition and you must wait for the answer now.

Mr. Odinga: All right.

Mr. C. Njonjo: Mr. Speaker, first of all I do not agree with my hon. friend, Mr. Odinga, on this and I ask the House seriously to consider this matter, although not emotionally. I have nothing against women, but if a woman wants to be employed in Government Service, then she must undertake to work for Government for at least five years. If she wants to get married then, by all means, get married, but she must not apply for work in the public service. I am sure the hon. Member knows this, that the absence that he has mentioned of being sick, happens, say, only once. I have not taken one day sick-leave since I became Attorney-General in 1963. The hon. Member, when he was Minister for Home Affairs, was not one day out of his office during the two years he was Minister. I know a number of his own secretaries in the Ministry of Home Affairs who were on maternity leave about twice that year.

The Speaker (Mr. Slade): Next question.

Question No. 65

SEARCH FOR WITCHDOCTORS BY KAJIWE

Mr. Mwatsama asked the Minister of State, President's Office if any permit had been given to Tsuma Washe, alias "Kajiwe" to search witchdoctors during the month of October 1968 onwards.

The Attorney-General (Mr. Njonjo): No, Sir.

Mr. Mwatsama: Arising from that reply, Mr. Speaker, is the Attorney-General aware that on the 7th September last year, the Member for Kilifi South, the hon. Ngala, at a meeting in Rurema location, told the people that the

[**Mr. Mwatsama**]

Attorney-General was going to issue a licence to "Kajiwe" and this is why he was getting a legal hospital?

Mr. C. Njonjo: Mr. Speaker, first of all I want to inform the hon. Member that the Member he has referred to has not been to see me about "Kajiwe" and I have had no conversations with him about "Kajiwe".

Secondly, the importance of this man who is called "Kajiwe"—witchdoctor—is because he is being supported by hon. Members from the Coast. On one occasion, he was supported by a particular individual to be his witchdoctor to get more votes and then they fall out and "Kajiwe" is taken by another person for the same purpose. As this House knows, I have had "Kajiwe" prosecuted and sent to prison and I am going to do it again if he engages in witchcraft, or if any other person engages in witchcraft.

Mr. arap Bly: Mr. Speaker, Sir, arising from the hon. Attorney-General's reply that one of the Members of Parliament made use of "Kajiwe" to campaign, and probably succeeded to come to this House, would he substantiate by giving us the name of that Member of Parliament?

The Speaker (Mr. Slade): I think the Attorney-General was accepting the statement made by the hon. Member, which he is entitled to do.

Next question.

Mr. Ekitella: Mr. Speaker, on a point of order, since the hon. Attorney-General has explained, and I do not know what we have been told, could we be told who "Kajiwe" is; whether he lives in the sea, whether he is in the heavens? Could we be told by the hon. Attorney-General?

The Speaker (Mr. Slade): Be informed of what? I do not understand.

Mr. Ekitella: Who "Kajiwe" is, we want to understand.

The Speaker (Mr. Slade): Order! You cannot ask that as a point of order.

Next question.

Question No. 8

ARMY TRAINING IN SECONDARY SCHOOLS

Mr. Godia asked the Minister for Defence if the Minister would extend army training to secondary schools in Western Province like Nyang'ori, Senende, Chavakali, Kakamega, Kamusinga and Bungoma.

The Assistant Minister for Defence (Mr. Njeru): Mr. Speaker, Sir, I beg to reply. I will certainly give consideration to extending cadet

forces to secondary schools in all provinces, and not just the Western Province, as soon as two conditions can be fulfilled.

The first condition is that the money must be made available, which it is not at the moment.

The second is that instructors must be available. The present pilot scheme has been started in schools near units of the Army, Kenya Air Force and Kenya Navy. Either the cadets are brought in to the unit for their training, or the unit sends an instructor to the school. In areas remote from units of the armed forces, neither of these courses is possible. I believe it will be necessary for ex-N.C.O.'s, to be taken on to the strength of the staff of such schools, to train the cadets in one or more schools. This will cost still more money, and there would probably have to be additional supervisory staff to go on tours of inspection.

Mr. Godia: Mr. Speaker, Sir, arising out of the Assistant Minister's reply, will the Assistant Minister consider including an item in the next financial estimates for his Ministry which would meet the required cost of army training in the schools requested?

Mr. Njeru: Mr. Speaker, it is not possible, at the moment because, as I have said, we have not got enough staff and the money is not available.

Mr. Onsando: Mr. Speaker, Sir, arising from the early reply that the schools near the army units have enjoyed this privilege, could the Assistant Minister tell the House which these schools are?

Mr. Njeru: The schools are, Mr. Speaker, Alliance High School, Pumwani Secondary School, Nanyuki Secondary School, Nakuru Secondary School and Shimo-la-Tewa Secondary School.

The Speaker (Mr. Slade): Next question.

Question No. 9

MILITARY COMMANDS IN SWAHILI

Mr. Godia asked the Minister for Defence if the Minister would consider the possibility of now teaching the army officers simple commands in Swahili.

The Assistant Minister for Defence (Mr. Njeru): Mr. Speaker, Sir, I beg to reply. No, Sir, not at the present. I will, however, consider it when Swahili becomes the official language for this National Assembly and you, Gentlemen, in this House as the leaders of Kenya, should show the way. If you feel it should be used in the army commands, introduce it to this House first, then for the courts of justice and then for all other purposes. I cannot see that Kenya's prestige or the

[The Assistant Minister for Defence]

efficiency of our armed forces will be promoted by using the Swahili translation of "Present Arms", for example.

Mr. Godia: Mr. Speaker, Sir, arising out of the reply by the Assistant Minister, is he not aware that this House has recommended that Swahili should be the official national language of this country? That being the case, is it not time that something was done to introduce simple Swahili commands in the army?

Mr. Njeru: Mr. Speaker, Sir, it is not my Ministry's responsibility to start Swahili in the armed forces. We have said here, in this House, that Swahili should be the national language. If that is so, we should start Swahili here first, as leaders.

Mr. Mbogoh: Arising from that reply, Mr. Speaker, has the Assistant Minister really listened to the army commanders speaking English and commanding and does he know how horrible that language is, especially spoken by illiterate constables in the army?

Mr. Njeru: Mr. Speaker, Sir, that was a very serious insult from the very hon. Gentleman from Embu East. Our soldiers are very well trained and they give the commands properly. I am sure the hon. Gentleman has never been in the army, and even if he went there today he could not even understand the language.

The Speaker (Mr. Slade): Next question.

Mr. Mbogoh: On a point of order, Mr. Speaker, is the Assistant Minister really in order to insinuate that I have never been in the army, when I know I have been there and, secondly, he thinks I cannot understand that horrible language that they speak?

The Speaker (Mr. Slade): Next question.

Question No. 64**POST-MORTEM TREATMENT OF DECEASED CHILD PATIENT**

Mr. Mwatsama asked the Minister for Health if he would tell the House why the body of Miss Mwanashabani Said Mwakamole, a seven years old girl who died from cancer at Kenyatta National Hospital, Nairobi, on Wednesday the 20th November 1968, was not properly stitched up after the post-mortem.

The Assistant Minister for Health (Mr. Konchellah): Mr. Speaker, Sir, I beg to reply. It was unfortunate that the body of the late Miss Mwanashabani Said Mwakamole who died at Kenyatta National Hospital on the 20th November 1968, was not properly stitched up after the post-mortem.

However, disciplinary action was taken against the attendant who stitched the body and it is our sincere hope that that mistake will not be repeated.

The Speaker (Mr. Slade): Next question.

Question No. 21**COMPLETION OF ELDORET-TORORO ROAD**

Mr. Khaoya asked the Minister for Works if he would tell the House when it was estimated the Eldoret-Tororo tarmac would be completed.

The Assistant Minister for Works (Mr. Godana): Mr. Speaker, I beg to reply.

If things go well, some time this year.

Mr. Khaoya: Mr. Speaker, Sir, arising from the Assistant Minister's reply, which is at variance with the written reply that I have here, would he tell this House why, for the last five or six months, any work beyond Broderick Falls has come to a complete halt on this great north road?

Mr. Godana: Mr. Speaker, delay to work can be because of so many things involved. This work was given out on contract to a firm and when you give contracts to people you must sign agreements, you must endorse them and see things are done properly, so there is no question of delay. I hope that the hon. Member will appreciate that this year we are going to complete the road.

Mr. Khaoya: Mr. Speaker, Sir, referring also to the other reply which is unsatisfactory, is the Assistant Minister aware of information that the contracting firm—an Italian firm by the name of Ingreza—has been insolvent for the past few months and, as a result, no work is being done on that road, and is he prepared to look into that question?

Mr. Godana: Mr. Speaker, if no work has been started it is our duty to look into it and, yes, we agree we will look into it.

The Speaker (Mr. Slade): Next question.

Mr. Ekitella: On a point of order, Mr. Speaker, I think you have ruled out that no Member should come here with a bush jacket. Should the hon. Member here wear a bush jacket without a tie? I want to know this and I am seeking your ruling.

The Speaker (Mr. Slade): Yes, it is quite all right, Mr. Ekitella, but I have ruled on this two or three times before. I have told hon. Members that there is no rule, at present, regulating the dress that hon. Members wear in the Chamber. It rests on the communal feeling of Members and I think so far that has been very effective.

[The Speaker]

On two or three occasions the matter of the dress of a Member has been raised in the House—obviously some Member thinking it was improper in some way—and he has not appeared in that dress again. That is the way we have to deal with these things.

Mr. Kathanga: Mr. Speaker, I think my dress—he is referring to me—is smarter than his.

The Speaker (Mr. Slade): We will not discuss it any more because it is not a point of order. Order!

Next Question.

Question No. 54

SHORTAGE OF SCHOOLS' EQUIPMENT

Mr. Karungaru asked the Minister for Education if he would tell the House if it was true that some of our schools were even lacking chalk, exercise books and other necessary school equipment, and if the answer was in the affirmative, how soon would the Ministry remedy this situation.

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

Yes, Sir. Before 1969, the system of distributing books and equipment for primary schools was that the local authorities issued tenders to local suppliers who then delivered the books as directed. Unfortunately, the Central Government later discovered that a lot of irregularities and possibly bribery and corruption had taken place in the handling of these tenders. It was, therefore, decided rather late in 1968 that the distribution of these books and equipment should be handled by the Central Government. Because of the fact that this decision was taken close to the end of the year, and that entirely new machinery for the handling, purchasing and distribution of these books and equipment had to be set up in the Ministry of Works, it was not possible to deliver the books and equipment to all schools on time. My Ministry is grateful to the Ministry of Defence and the Ministry of Local Government for the tremendous work they have put in to facilitate the supply and delivery of these items as rapidly as possible.

(b) I can assure the hon. Member that this matter is now being handled as a most urgent problem, and all schools will have received books and equipment before the end of next week. I may add that since the machinery for this work is now fully established, the distribution from now onward will be quite smooth and will be taking place on time. I apologize to the pupils, parents and teachers who have shown great concern about this matter.

Mr. Munyi: Mr. Speaker, Sir, arising from one of the answers from the Minister, is the Minister aware that it was only a few weeks ago when His Excellency the President, in his capacity as Commander-in-Chief of the Armed Forces, directed that books were to be despatched to both Kitui and Bungoma schools by armed forces vehicles. Therefore, Mr. Speaker, Sir, in future it should be the responsibility of the Minister for Education to see to it that something is done in advance, so that our pupils can get in good time books which they are supposed to study.

Dr. Kiano: Mr. Speaker, Sir, I am very much aware that the Ministry of Defence, under the direction of His Excellency the President, has given us great help in delivering these books and that is why I have included them in the thanks I gave to various Ministries. I would like to inform the hon. Member that, as the machinery is now being handled properly in the Ministry of Works, he should not worry about next year.

Mr. Karungaru: Mr. Speaker, Sir, arising from one of the replies that the Minister had given earlier on, is he not aware that this question of supplying books to the schools started early this year, and since he has already told us that there are some schools which have not yet received books and that they are to receive them within the next few weeks, I think they will be more frustrated than they are now because even the next few weeks is not specific. Would he now tell this House the specific date when he is likely to supply some of these schools with books?

Dr. Kiano: Mr. Speaker, Sir, for the information of the hon. Member my Ministry does not handle the question of tenders, but since I am the Minister for Education, I am just as concerned as he is that these schools do receive books and the equipment and I hope that the Ministry's drivers will get to the schools as soon as possible.

Mr. Odero-Sar: Mr. Speaker, Sir, will the Minister agree with me that the Central Government has failed to supply books to all schools in Kenya. He should therefore start branches for such supplies in each district so that the books could be readily available.

Dr. Kiano: Mr. Speaker, Sir, this is a suggestion that I shall put to the Ministry of Works who are actually handling this. What the hon. Member has said is that instead of delivering everything from Nairobi he suggests that storage be established—

Mr. Wanjagi: On a point of order, Mr. Speaker, Sir, the Minister replying said that he was as concerned as the hon. Questioner. Does that not amount to the same as saying that he is not the

[Mr. Wanjagi]

person who should reply to the question. He said that he is as concerned as the Questioner which means that he is not the right person to answer the question.

The Speaker (Mr. Slade): I would have thought a Minister or anyone else could be concerned if it was a matter which was his own responsibility. You were answering, Dr. Kiano?

Dr. Kiano: Mr. Speaker, Sir, I was referring to the question by the hon. Member and I did say that the suggestion he made is a useful suggestion. If the hon. Member for Kangema actually wants to know the facts, the delay has been because the handling of the tenders in itself is in a different Ministry. However this is not the reason why I should not reply to the question because, as you said Sir, any Minister can speak for the Government if so authorized.

Mr. Godia: On a point of order, Mr. Speaker, in the beginning of the next question, may I be allowed to raise this as a Motion for the Adjournment.

The Speaker (Mr. Slade): Any objection, Mr. Karungaru?

Mr. Karungaru: I have no objection because the Minister has failed to tell us which Ministry is dealing with books. I would like to know which is which.

Dr. Kiano: On a point of order, Mr. Speaker, Sir, I told the hon. Member in very clear language that the handling of tenders for any item in our Government is handled by the Ministry of Works. What I was trying to avoid was just to come and blame another Ministry, but for the hon. Member's information, the handling of tenders of any item of the Government is done by the Ministry of Works.

Question No. 70

C.P.E. CANDIDATES AND FORM I PLACES

Mr. Ondiek-Chillo asked the Minister for Education if he would tell the House—

- (a) how many pupils had sat for the Certificate of Primary Education Examination in the whole country in 1968; and
- (b) what percentage had been admitted to Form I places.

The Minister for Education (Dr. Kiano): Mr. Speaker, Sir, I beg to reply. The number of pupils who sat for the Certificate of Primary Education Examination at the end of 1968 was 159,644. In round figures, we usually say about 160,000, but that is the exact figure.

(b) About 40,000 pupils, in round figures, were admitted to Form I in all Government maintained and assisted schools, private and *Harambee* schools in 1969, compared with 35,624 who were admitted at the beginning of 1968. The Form I intake in 1969 represents 25.1 per cent of the 1968 Certificate of Primary Education candidates. It should be noted that at independence 1,283 pupils were admitted to Form I in January 1964 in the Government schools and assisted schools; therefore the 1969 figure of admission to Form I in Government maintained and assisted schools of 18,325 and this is 18 times the 1964 figure.

Mr. Ondiek-Chillo: Arising from that answer, Mr. Speaker, Sir, could we hear from the Minister as to how many of the 40,000 pupils admitted to Government maintained or assisted schools are in *Harambee* secondary schools because these schools are now nearly collapsing. Could we know how many are in *Harambee* secondary schools?

Dr. Kiano: Mr. Speaker, Sir, I do not think that it is fair to blame all the *Harambee* secondary schools because a few may be collapsing of which the hon. Member knows. However since the speaker did not indicate the need for the break-down, if he wishes to have such a break-down, I will get it for him.

Mr. Ondiek-Chillo: Could we, therefore, hear from the Minister, as to the whereabouts of the 75 per cent of those who did not actually get a place in secondary schools because he is the Minister responsible for education in the country?

Dr. Kiano: Mr. Speaker, Sir, the hon. Member asked me how many pupils were taken into Form I. He did not ask me the fate of those who were not.

The Speaker (Mr. Slade): I should say that in any event as I will be informing the House later, that this particular question of school-leavers is going to be raised by Mr. Mbogoh on the Adjournment tomorrow, and you will have the opportunity of discussing it then. We come back to your first question, Mr. Chillo.

We now come back to Mr. Chillo's question.

Question No. 69

DAMAGE TO PROPERTY ON YALA SWAMP PROJECT

Mr. Ondiek-Chillo asked the Minister of State, President's Office, if he would tell the House whether any arrangements had been made for compensation of those people whose property had been damaged in the Yala Swamp Project, especially those people from Yimbo Location in Siaya District.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, on behalf of the Minister of State, President's Office, I beg to reply. Yes, Sir.

Mr. Ondiek-Chillo What is "Yes Sir"?

The Speaker (Mr. Slade): He is saying "Yes" to your question.

Mr. Ondiek-Chillo: Mr. Speaker, arising from the Attorney-General's "Yes Sir", could he tell the House how many were compensated in Yimbo Location particularly.

Mr. C. Njonjo: Why I say "Yes" to this question is because if the hon. Member comes from this area, he would have known that compensation has in fact been paid to quite a number of people in this area. In other words, those who put in claims that they sustained loss, compensation has already been paid.

An hon. Member: To how many people?

Mr. C. Njonjo: I am being asked to how many, but I am afraid, I cannot give the figure, Mr. Speaker, because that was not what was wanted, but I can say this to the House: signatures of all property-owners were taken at the time they received compensation, and Mr. Speaker, Sir, this can be checked at the district commissioner's office if the hon. Member wishes.

Mr. Ondiek-Chillo: Mr. Speaker, Sir, at the time I put this question, the compensation had not been paid to these people and for that reason this question is now being asked again in 1969. Is the Attorney-General sure, in saying "Yes Sir" that the people have been compensated? Could he tell us how many Luos were compensated? I want only the number, not their names, because in the question is about people as you can see.

The Speaker (Mr. Slade): Mr. Njonjo, you have been asked to give the number, could you do so?

Mr. C. Njonjo: I think in fairness to the other Members of the House, who do not come from this particular area, I am prepared to give further information and say this; I want the hon. Member to check and see whether I am right or he is wrong, because he is suggesting I am giving incorrect information.

On the 12th of November, last year, compensation was given to people from Yimbo Location where the majority of the recipients came from. Now, if the hon. Member comes from this area, and it is as I have said, and my friend Mr. Oginga Odinga agrees with me, then I do not see why the hon. Member has undertaken this vital responsibility.

Mr. Odinga: On a point of order, Mr. Speaker, Sir, is it in order for the Attorney-General to put words into my mouth that I agree with him, when he knows that I fully support the questioner?

The Speaker (Mr. Slade): Mr. Njonjo, I think you mistook a shake of the head for a nod of the head.

Could we now move to Mr. Omweri's question? Mr. Omweri not here?

Next question. Mr. Onsando.

Question No. 53

SEWAGE DISPOSAL, KISII TOWN

Mr. Onsando, on behalf of Mr. Nyaberi, asked the Minister for Local Government if he would tell the House what plans the Minister had for providing Kisii Town with sewage and mosquito control for the health and welfare of the people of Gusii as this town looked filthy and had no plans for any improvement.

The Assistant Minister for Local Government (Mr. Njiiri): Mr. Speaker, Sir, I beg to reply. The Gusii County Council has already asked the Water Development Department—rather than employing a private consultant—to act as their consultant in planning for sewage disposal, and the Water Development Department have agreed to work as such. It is understood that the issue is under consideration. The work will be carried out on an agency basis for the council and the normal fees will be charged.

Mr. Onsando: Mr. Speaker, Sir, arising from that reply, would the Assistant Minister not agree with me that his Ministry, the Ministry of Local Government, has approved a loan for this undertaking and the suggestion to approach Water Development was a decision of the Ministry of Local Government and this Ministry is delaying the whole issue.

Mr. Njiiri: Mr. Speaker, Sir, my Ministry is ready to advance suggestions to these county councils, and now instead of the county engaging its own consultant, the Water Development Department decided to agree with the normal charges as a charge on item basis.

The Speaker (Mr. Slade): Next question. Mr. Karungaru.

Question No. 30

WITHDRAWAL OF QUIT NOTICES

Mr. Karungaru asked the Minister for Commerce and Industry if he would tell the House why some of the trading licence quit notices served on some of the non-citizens had been withdrawn.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, on behalf of the Minister for Commerce and Industry, I beg to reply. Personally, I should say "Yes". Some trading licences had been withdrawn, and the reasons are many. In a number of cases it was discovered that appeals were pending and in law you cannot take somebody's licence away until the matter has been decided by the Appeal Tribunal. That is number one.

Secondly, some of these notices were issued by mistake to citizens and these too, had to be cancelled because the notice in any event was illegal.

Thirdly, in some of these businesses, it was found that in some cases there was a genuine partnership between the citizens and the non-citizens and to carry on with the notice would have meant hardship to the citizens and, in most cases, they were Africans.

Mr. Karungaru: Arising from that reply, would the Attorney-General go further, on behalf of the Minister for Commerce and Industry and convince this House beyond any doubt, that the need which made the Ministry change its mind and start the withdrawal of the trading licences quit notices, will not continue, because the Ministry has already discovered the loophole. Would he assure the House that the Ministry would not continue to issue the notices only to find errors and later on withdraw the notice?

Mr. C. Njonjo: All I can say to that Mr. Speaker, Sir, to err is human, and everybody can make a mistake, and there is nothing wrong in correcting that mistake. If indeed the trade officer discovered that he issued a notice to the wrong person, there is no harm in having the notice withdrawn. However, I should have added another factor, Mr. Speaker, that there are certain areas where there are no citizens who can operate this business. Let us face it. Let us be honest and face it. Even the Members from those areas have said "Let these men continue trading until we have our own Africans".

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, I consider the allegation by the Attorney-General very serious indeed. Could he be specific in substantiation and tell us which Members have told the Government that their people are not ready to have their areas Africanized?

An hon. Member: Yes! Yes!

Mr. C. Njonjo: It is no use shouting and saying "Yes yes" because the hon. Member does know that there was a delegation from Kitale which said that some of the notices were served on non-citizens, because there were no citizens ready to operate those grocery shops, and in fact if some of the hon. Members from those areas want to tell the truth, there are certain areas where we

have no citizens at the moment, with the necessary capital and with the know-how to operate these shops. It is no use the hon.—

The Speaker (Mr. Slade): The point on which Mr. Shikuku was pressing for was whether representation from Kakamega was actually made by any Member of this House. If so, who?

Mr. C. Njonjo: I am not going to say who.

Mr. Speaker, I did not suggest in my answer that the suggestion was made by hon. Members. I said that there are some Members in question, and I did mention Kitale.

Mr. Oduya: I have a point of order. It is not a question.

I am still on that point which the Attorney-General seems to have generalized about some hon. Members of Kakamega District. I am glad he has said that it has cost him much to go to the province, but can he go further and tell us because there is a matter of policy and people should know if hon. Members made representation to the Ministry, why cannot the Attorney-General tell the House in the interest of the people of Western Province, including Kakamega and the country, that So-and-so said that there were no citizens in that area who can run the businesses?

The Speaker (Mr. Slade): The Attorney-General here said that he has noticed that there was a delegation that made this representation to the Ministry. I think that is enough. He is not alleging that there were any hon. Members of the House who were a party to it.

You have a supplementary question, Mr. Oduya, have you?

Mr. Oduya: Mr. Speaker, Sir, as a matter of policy, could the Attorney-General help this House on the question of the Minister going to address a meeting of non-citizens such as this Lions Club, where he promised that the extension of these licences will be made soon, before he reports to the Members of Parliament about the failure and success of this Bill? Could we know whether that one is going to continue or the Minister has dropped the idea of extending the licences to foreigners?

This was said in the Press, and although the Attorney-General is probably not aware the Minister for Commerce and Industry himself went to address a meeting and spoke on the failure of the Trade Licensing Act and then promised the members of the Lions Club that he was going to extend the period to three years instead of two years. May we know what necessitated that and why that was necessary, before it was brought to this House?

The Speaker (Mr. Slade): Mr. Njonjo, do you get the question?

Mr. C. Njonjo: Mr. Speaker, I wonder if he knows what the question is because I am sure the question is as clear as mud.

The Speaker (Mr. Slade): I was hoping that you did hear his question. Mr. Oduya, you have not been heard clearly. It may be that the microphone is rather badly placed for you.

Mr. Oduya: Mr. Speaker, Sir, the other day it was reported in the local papers that the Minister for Commerce and Industry himself had addressed a meeting of the Lions Club on the Trade Licensing Act.

He expressed his wish that he was considering extending the period from two years to three. That was after realizing that there were certain loopholes in the Act. The loopholes concerned the notices to non-citizens. May we know whether this is the policy of the Ministry and, if so, why did not the Minister bring the matter to the hon. Members of this House who passed the Act instead of going to announce it to an interested organization?

This is what the Attorney-General should tell us.

Mr. C. Njonjo: I am sure the Minister would be interested in covering all the loopholes in the legislation if there are any. But I can assure the House that there has been no change in the policy.

I read the statement, Mr. Speaker, and I do not think the statement was at variance with the Government policy and what was passed in this House.

The Speaker (Mr. Slade): That is outside the present question, anyhow. We could go on now.

Question No. 34

PAYMENT OF PRIMARY SCHOOL TEACHERS' SALARIES

Mr. Tsalwa asked the Minister for Education if he would tell the House whether the Central Government of Kenya was considering paying the salaries of all the primary school teachers direct from public funds.

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

I am not quite sure what the hon. Member means, because all teachers in the primary schools under the local authorities are paid from public funds; the local authorities acting as agents of the Teachers' Service Commission.

Mr. Tsalwa: Mr. Speaker, Sir, it is very surprising that the Minister could not understand such a simple question.

The theme of the question here, Mr. Speaker, is that all the teachers in the Republic of Kenya should be paid by the Central Government because it is a very big responsibility to be left to the county councils which are already becoming bankrupt.

Dr. Kiano: Mr. Speaker, Sir, I do not want to exchange one blame for another, but the latter point is clearer than his first one. Here, the hon. Member simply referred only to public funds and I would like to inform the hon. Member that funds in the local authorities are also public funds. Therefore, his question is not clear enough.

Mr. arap Biy: While strengthening the question by the hon. Member that teachers in primary schools should be paid by the Central Government, and this is understood by the Minister, would he consider that suggestion very seriously to pay the teachers in the same central way as the distribution of equipment in the primary schools? Centralize all.

Dr. Kiano: Mr. Speaker, Sir, the question of distribution of portfolios is an exclusive right of His Excellency, the President.

Mr. Kebaso: The Minister is trying to evade the question. The questioner wants to know whether the Government is prepared to consider the possibility of paying teachers directly from the Central Government, instead of them being paid by the county councils such as Kakamega, which become bankrupt sometimes from January to December. Would the Government consider paying them directly from the Central Government or of transferring money from the county councils to the Central Government, instead of keeping teachers unpaid and children being put out of school for several months?

Dr. Kiano: Mr. Speaker, Sir, there is still a point relevant to that question.

In the first place, the teachers themselves negotiate with the Government under one employer who is the Kenya Teachers' Service Commission. The Teachers' Service Commission, however, has used the local authorities as agents because not all the money necessary was available at the Teachers' Service Commission, and furthermore, the local authorities do now collect fees from the pupils in rural areas.

However, where difficulties arise we shall consider this matter with great sympathy.

Question No. 35

ABOLITION OF C.P.E.

Mr. Tsalwa asked the Minister for Education if he would tell the House whether, as the number of Standard 7 pupils had increased

[Mr. Tsalwa]

greatly since independence, he would consider abolishing the Certificate of Primary Education Examination, so that pupils sat for a National Examination at Form II level in 1969.

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

The Government is aware of the alarming problem that is raised by the hon. Member regarding primary school leavers. But it is not possible to predict the date as to when C.P.E. could be abolished.

Some of the major obstacles to be overcome before C.P.E. could be abolished, would be the question of finding teachers for additional Forms I and II and for all pupils who complete Standard 7. The second problem would be the question of paying these teachers. The third one of course, would be the question of capital expenditure necessary to build the additional classrooms.

I must add that the Government is extremely concerned about what to do with these Standard 7 school leavers and it is my sincere hope that one day it will be possible to abolish this examination when the circumstances allow.

Mr. Tsalwa: Mr. Speaker, Sir, the time goes by. Is the Minister aware that the number of school leavers in Standard 7 is increasing daily, and is he aware also of the fact that in the long run the Government will have to pay more money than it would if the Government could put up more secondary schools in which these pupils could be absorbed at the moment?

Dr. Kiano: Mr. Speaker, Sir, I am very much aware of that but I should also add that by merely adding one additional Form I and Form II we would not be solving the problem, we would be postponing the problem because the question is what to do in terms of employment when they leave school. Already we do have pupils who have completed the full secondary school course still looking for jobs. So the question would not be solved but we would be merely postponing it for two more years.

The Speaker (Mr. Slade): I think we will leave this question now to be pursued on the adjournment tomorrow.

Question No. 44

UNIFORM MARKING OF C.P.E. PAPERS

Mr. Onsando, on behalf of Mr. Nyaberi, asked the Minister for Education if he would tell the House, in view of the confusion which had arisen from results of examinations, particularly the Certificate of Primary Education

Examination, being quoted sometimes as points obtained by a particular candidate and sometimes as total marks out of an aggregate marks, the Minister would specifically lay down just one of the systems to be quoted in all cases.

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

The three methods mentioned by the hon. Member refer to the three aspects of the same score in the examination and serve adequately for the various purposes for which these results are used. The three aspects of the results and their purposes are as follows:—

(a) Grades only: A to E—these are used to show the grade achieved by the primary school pupil and the final assessment per subject.

(b) Then we indicate the figures written as aggregate marks. These indicate the actual points scored within one grade. For example, if somebody has received A and 5 points or 6 points, or whatever it is, then the aggregate marks give more details. This is very helpful indeed for the purpose of selecting pupils for secondary schools.

(c) This one is not a very important one, the one that is used to replace the old language of pass or fail. Therefore the third one, Mr. Speaker, is not a very important one.

Mr. Onsando: Mr. Speaker, would the Minister tell the House which system is actually used to determine who goes to Form I, is it the marks or the grade?

Dr. Kiano: I thought I had explained, Sir, that the actual marks which are indicated in the aggregate total are the ones.

QUESTION BY PRIVATE NOTICE

DISSOLUTION OF MASABA FARMERS' CO-OPERATIVE UNION

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

Owing to the recent announcement by the Commissioner for Co-operatives to the effect that he had dissolved the Masaba Farmers' Co-operatives Limited and had appointed a commission of two members to handle its affairs, will the Minister inform the House whether those involved in malpractices, including the transporters, have been charged and how many; and, if so, had the amount involved already been recovered and how much had been the total loss to members (pyrethrum growers)?

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Speaker, on behalf of my colleague, the Minister for Co-operatives and Social Services, I beg to reply.

The clerk who was responsible for issuing permits to transporters has already been arrested and is due to appear in court next Tuesday. Therefore, since the matter is *sub judice* it is not possible to determine the number of people who were involved in malpractices in the Masaba Farmers' Co-operatives Limited until the court's action is made known.

As regards the second part of the question, the original amount involved was KSh. 119,366/25, out of which KSh. 36,230/65 has been recovered, leaving the outstanding loss of KSh. 83,135/60.

NOTICE OF MOTIONS FOR THE ADJOURNMENT

EMPLOYMENT FOR SCHOOL LEAVERS

The Speaker (Mr. Slade): We must go on now. I have to inform hon. Members that Mr. Mbogoh, having renewed a previous notice, wishes to pursue on the adjournment his question in the previous Session, No. 445, concerning problems of school leavers' employment, and I have appointed the end of business tomorrow, Tuesday, 27th May, for him to raise that matter.

DISSOLUTION OF LAND SELECTION COMMITTEE BY DISTRICT COMMISSIONER, KISII

The Speaker (Mr. Slade): On Wednesday, 28th May, on the adjournment, Mr. Onsando will follow up his Question No. 43, concerning the dissolution of Settlement Committee by the District Commissioner, Kisii.

The Minister for Education (Dr. Kiano): Mr. Speaker, as a point of information, I would like to know which Ministry is to reply to the question tomorrow, on the adjournment, I or the Minister for Labour?

The Speaker (Mr. Slade): I see it is marked for the Minister for Labour. I think, probably, it is more his concern.

MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

THAT, the thanks of this House be recorded for the exposition of public policy contained in His Excellency's Presidential Address from the Chair on 20th May 1969.

(*The Vice-President and Minister for Home Affairs* (Mr. arap Moi) on 21st May 1969)

(*Resumption of debate interrupted on 22nd May 1969*) (Third Day)

Mr. Okelo-Odongo: Mr. Speaker, Sir, I would like to say a few things about the Presidential Address which we heard here last week. Looking at this speech, Sir, for the occasion that it was intended, one has to come to the conclusion, after reading the speech, that it was most inadequate for the occasion because this was an important occasion. Mr. Speaker, also, if one looks at the speech very carefully, some of the aspects of this speech are not quite clear and cannot be understood. Also, some of the aspects of the speech that make promises seems to be very presumptuous, in that one cannot see how these promises can be made.

On that day, a very important day for this country, the Presidential Address was a speech which was being made six years after our independence. What one expected to hear on that day was, what the Government had achieved during the past six years that it has been in power. In addition to this, what one would have liked to hear is what the Government had in mind, or the hopes of the Government with regard to the future of the nation as a whole. Yet, Mr. Speaker, when one reads the speech you do not really get the answers to these questions as to what contributions the Government has made within the last six years. It is very soon that the Government mandate is coming to an end and one would expect that the Government would have told this House clearly, or told the nation, what it has done for the nation so far.

Mr. Speaker, Sir, when we talk of achievements of the Government, we do not only refer to material achievements which are important in themselves, the economic achievements and so on, but we also refer to other things, and we would have liked the Government to tell this country what has been achieved in regard to inculcating into our people the correct sentiments and attitude for the development of Kenya as a nation. Also, Sir, we would have liked to hear, as far as the Government is concerned, what direction the Government had given to the people of Kenya so far as ideological direction is concerned. Was it socialism or capitalism? All these questions are left unanswered in the speech of the President, and after you have read the speech you are at a loss with regard to what exactly Kenya—or the Kenya Government that is soon going out of power—has done for the country, and what kind of base it has built in the country.

The speech talks of a certain expansion of the economy, and so on. Well, all this expansion of the economy, or even Africanization which the Government is so fond of saying is one of the things it has done, does not really help very much with regard to stability of the country because it

[Mr. Okelo-Odongo]

would be important for us to know just what type of development the Government had in mind, what type of social development, or what type of economic social system the Government had in mind and have established for Kenya, and how had this been applied. This is completely missing, Sir. In the empty words of Africanization which has been criticized several times, that this comes merely to window-dressing of putting in Africans as directors of companies that belong to foreigners, this has not been improved upon. Therefore, we are completely at a loss. Sir, independence was to bring to the common man of Kenya justice, economic opportunity. This speech does not tell us how the ordinary man in the reserve, or the ordinary worker in Nairobi is going to find justice or how he is going to get his economic opportunity. As a matter of fact what is left to us to see, tends merely to enrich the already rich, while those who are poor are likely to be getting poorer and poorer.

In relation to the constitutional and political development of this country, the speech leaves us in doubt because while we all believe in parliamentary democracy, the speech has a passage in it which, I think, has already been pointed to by the Leader of the Opposition, of creating fears, that there was a small minority in this country that was subversive and was using this aspect of freedom in our constitution. Now, this in itself, makes it most difficult to understand; it creates doubt with regard to what the Government has in mind. So, in other words, everything is not quite clear. The Government has not stated categorically what kind of economic social system it has been trying to establish in Kenya, and the Government has not stated categorically what type of democracy it is going to have in Kenya. Mr. Speaker, Sir, we have been left in the air as far as this is concerned.

There has been something said in relation to a Bill that is coming here which is to deal with the National Assembly elections and so forth. Even that particular passage which refers to this Bill, in view of the recent official announcement that the country would be going to primaries and so forth, leaves one quite confused because the passage talks of giving responsibility of electing the candidates to the political parties, while the announcement with regard to primaries is intended for the opposite. So, when reading this speech, Mr. Speaker, Sir, we do not get the problems of the country, and what the Government had in mind to solve them.

The six years that the Government has been in power has not brought any improvement at all to the vast majority of Kenya's people. This, of

course, can be seen. When the Government is talking of the plans for 1969-1974, and saying that this is the particular time when it will pay more attention to the rural areas, this is an admission of failure. This Government has had five years in which to show the people of Kenya what it could do. Now, somehow or other they managed to get two more years through rather doubtful means, and this time is coming to an end in 1970. So one cannot understand why this same Government should be speaking of plans for 1969-1974. This is completely beside the question because the Government ought to have told this country what they have done from 1963 to date, not what they intend to do when they are not going to be in power, when somebody else is going to decide on things. This is definitely an admission of failure. They had the mandate of the people and they failed to fulfil the mandate and now they are trying to talk of the future which is rather presumptuous because no one has said that they are going to direct things in 1974, or up to 1974.

Mr. Speaker, Sir, the Constitution that is being talked of, we do not see where that Constitution is. We are told that there is now a consolidated Constitution. Where is that Constitution? All we hear is talk of the primaries, talk of the Ol Kalou Declaration, that sort of thing. Are these constitutional matters or are they things in the air? Where is that Constitution in any case?

So, Sir, this speech we had from the Chair did not benefit us at all, it did not tell us what the Government has done; it merely talks of some things which the Government has done which, when you look for them, you cannot find them. There is talk of a Constitution but you cannot find it; they talk of a Development Plan, but that plan is not even there. Instead they plan for the time when they are not supposed to be in power. Therefore, Mr. Speaker, this speech was completely out of the place that it was supposed to have dealt with.

The assumptions of development of agriculture here are also quite alarming. They talk of what they have achieved, they talk of the position of food as being enough for Kenya needs now, that they are going into growing vegetables, flowers for foreign markets. If you go to Turkana, Isiolo, Baringo, you find that people cannot get any vegetables or fruit to eat. Despite this, they are thinking of flowers to send to their friends abroad while the people of Kenya are going hungry. That kind of planning is wrong and that kind of planning cannot be accepted by the people of this country.

I would say that some of the achievements that the Government claims to have done really do not amount to anything.

[Mr. Okelo-Odongo]

Now, Sir, they say they have laid the foundation. I am sorry to say this, but I would like to mention that the foundation is not there, the foundation, if anything, is a weak one and the Government has left the country in the air.

Mr. Jahazi: Mr. Speaker, Sir, I am prompted to stand at this juncture, because I have become terribly heated by my friend who has been speaking. He spoke as if this Government has done absolutely nothing since it came into power in 1963. Mr. Speaker, this is over-playing what little he had to contribute to the House. Even the blindest man could point to some things which this Government has achieved. The Government, I say, has made tremendous achievements and we, the supporters of this Government, who participate in it, who are with this Government as a matter of life and death, would like to show to the country, with pride, that there has never been a better Government which could run this country from 1963 to date. We are confident that from now on until 1974 we shall be in power. That is why we are talking of 1974. That is not all: we are about to start talking of 1980, because we do not see any hope from our few friends, who are now eight in number, to take over.

Having assured the Opposition of the present position, I would like to say something about the Speech of the President. Mr. Speaker, Sir, we who are on this side fully understood and appreciated the Speech of the President. It contained so much for those who have eyes and ears to see and hear. For those who cannot understand anything from that document, we would like to say the fault is not ours. If my friend, hon. Okelo-Odongo would like to have some briefing, some clarification and some education about the speech I would like him to come to me and we can talk it over later on.

Mr. Speaker, the speech is worthwhile and I congratulate the President for having delivered it in the manner, style and content that he did.

Mr. Speaker, Sir, many people who have spoken here have tried to speak about unemployment and if unemployment is only found in Kenya and it cannot be found anywhere else and is not known anywhere except here. This is a very stupid way of approaching the problem; blaming and blaming. A country like the United States, and all the developed countries of the world, has this problem. I want to tell those who are in school—including my own children—that going to school and finishing somewhere without any training will not guarantee—and it will not be a guarantee in the future—an automatic job. This is the argument advanced for school-leavers.

Unless there are people who are now in jobs ready to quit their jobs and give them to school-leavers and say, "All right, here is my contribution to the country, I have been working for five years and so I am now giving my employment to a school-leaver", this will go on. This is a problem which is international and nobody should start blaming the Government, as if the Government can start creating employment. They cannot take away somebody's property—including the hon. Members' property—and give it to the unemployed. Even if they do so, the amount of property we have in the country is not enough to feed all the unemployed.

We cannot talk about the unemployed as if we are living in the sky; these unemployed are our brothers, our sisters, our mothers, and we do not live away from them as they live with us. Everyone who is employed supports how many unemployed? This is why you do not find them on the streets of Nairobi at night because, in fact, they are the fellows who drink most of the beer, because when you offer them anything else they like expensive cigarettes and all that. These are the people who are suffering because they are maintaining them. Therefore, the problem is not of the unemployed only; it is also the problem of those who are employed and are getting very small salaries and are supporting everybody. We cannot look at it from one side and then blame and blame. Let us come here and suggest means of finding jobs for all of them; those who are, at the moment, unemployed and who will be unemployed next year, everybody. The problem cannot be solved in one day because it is increasing every day. Therefore, Mr. Speaker, we cannot play with fire. No Government will come today in this country and solve unemployment tomorrow. This is a continuous process and we will have to solve it every day as it keeps arising. Therefore, I would like those who are employed and those who are unemployed to work hard and everybody to see that we make suggestions to reduce this problem, because it will never be solved in the present set-up.

Mr. Speaker, Sir, everybody is working hard on the farms. I sympathize with the Government because they tell us to grow more coffee and then the world market falls because there is no market for coffee; then they say grow sugar and then the world market for sugar drops. These are things over which we have no control. We do not control the world markets and we cannot sell our products by force to these countries. They lower the prices and then make the prices for their machinery high, which spoils our efforts because, on the one hand, we want to mechanize our farms and, on the other hand, the products we produce do not find a place on the world

[Mr. Okelo-Odongo]

markets. Can the Government force Germany, the United States of America or the U.S.S.R. to buy our products which are the things they want to sell to us? Their scientists are working day and night to sabotage us by producing synthetic this and that and then we have a break-through and produce all these products only to find that there is synthetic meat, there is synthetic sisal and so what can we do? All this makes the Members speak here unrealistically and they blame Government. Government cannot stop these things.

Mr. Speaker, I would like to say a few words on the primary elections. This idea is good but it is being spoilt. Here you find that people have their own ideas which they want to push forward. No one opposes the primary elections; this is the best present that we can give our people so that they elect the people they want to elect. Nobody should come and try to make a formal declaration here that this is a defeat of some group and the victory of some group. The idea of primaries is not new and with all respect—or disrespect—for Ol Kalou, Ol Kalou did not start this. I am surprised today to hear that there is no Ol Kalou Declaration and that Ol Kalou was just a meeting, but this has been supported all the time. When we had the Parliamentary Group meeting we heard that Ol Kalou had defeated whatever it is, but today I hear there is no Ol Kalou. This is a thing by which we are confusing our people and the punishment will be delivered to us all. I am confused by these people who are trying to confuse us. I thought there was Ol Kalou, but today I hear that there is no Ol Kalou, but the people have been supporting it in the newspapers, everywhere, but it was just a meeting. In that case there is Mombasa now.

Mr. Speaker, Sir, that this ganging up against the primaries is meaningless and anybody who is ganging up on the primaries to save his neck is wasting his time. During the days of the primaries every Member will face his people and they will deliver judgment and anybody who is ganging up with him here will not be seen, and therefore I would advise the Members to go back and work and try and convince the people as they have been here long enough to have been judged already. Those who have done good things are known and those who have done bad things, no amount of ganging up with anybody will save their necks. Therefore, I do not like to hear people laying too much importance on this. I would suggest that the primary elections' day should be one so that everybody will be electing these people everywhere so that nobody can be saved by somebody else, because people think that if they gang

up with a certain group they will be saved on that day. Anybody who is to die will die because there is no saving.

Mr. Speaker, Sir, I would also like to speak awhile on nation building. I think that some newspapers are confusing the public; some newspapers have involved themselves and have taken sides with certain people to support them and they are trying to dampen others. We hope that the newspapers are impartial.

Mr. Obok: Mr. Speaker, Sir, on a point of order, there are several newspapers in this country and the hon. Member has said that certain of these have taken the line of siding with certain people; can the hon. Member substantiate that and tell us which newspaper that is and which—

The Speaker (Mr. Slade): Order! Order! No, I think that is too general an allegation to require substantiation. Newspapers do tend to take sides on one thing or another. Will you continue, Mr. Jahazi.

Mr. Jahazi: Thank you, Mr. Speaker. Mr. Speaker, I am so careful and I know how to talk and I know what am talking about.

Mr. Speaker, this is the truth: they have taken a line to dampen some and support other people. This is very unfortunate and it is just starting. We want newspapers to be impartial and quote facts and facts alone, and not to involve themselves. When they hear that there is an Ol Kalou they jump on that as if they know more and have cooked it in their own offices.

Mr. Speaker, I would not like to say much and I am going to deal with the facts and figures later on, but on this specific speech of the President, I would like to say that I congratulate the speech and I support it wholeheartedly.

Mr. Mbogoh: Mr. Speaker, Sir, it is usually very interesting to hear other hon. Members speak on this speech, but I would like to stress the fact that this Presidential Speech was quite an ordinary speech which is usually the President's style of making a speech, and we support it fully.

What I would like to note there, Mr. Speaker, is the fact that the words contained in that speech are words which are used daily by the hon. Members in their own constituencies, and they usually say the same thing that the President said. Why we put such emphasis on this speech is because in these days it is not what is said that matters, but it is who says it which matters. In this case, this speech, being delivered by the President of this Republic, is much more important than if delivered by the hon. Jahazi, or any other Member of the public as usual.

[Mr. Mbogoh]

Mr. Speaker, the President spoke on the Development Plan which is a planning guide to the development of this country, and if the Development Plan was followed as the President advocated, we would find that there would be no complaints from different quarters. At present, the Development Plan is taken politically. To start with, if there is an industry to be set up in one of the districts in Kenya, what happens is that a certain individual, or certain circumstances, influences the setting up of this industry. I have seen a few times when we have gone to this Minister or the other and have asked why there is no industry in such-and-such a place. The answer usually is that the investors have the right to choose whether they would like to invest. However, Mr. Speaker, I have never believed that they just choose independently and with no influence. If an investor comes around, first of all he meets the big shots right at the top and it is possible that as soon as he reports that he wants to have some investment some place, what happens is that everybody starts speculating, and once they start speculating they influence the judgment of the investor, and in that case it does not go to where it is needed, it goes to where others want it to go. There are many of us who have no influence on these people because when they come they do not report to everybody; they go to certain circles. I would urge the planners to follow this Development Plan very honestly and look after every part of the country without discrimination. We have always said that in Kenya we are going to develop those areas that the Colonial Government did not develop. However, what do we see today? Those places are still left behind because industries are concentrated in certain places, usually around the towns. In that case, Mr. Speaker, it is now the right time that they obeyed the President's call to decentralize these industries and instead of putting them in the towns put them outside the towns somewhere and let every district have a share of the development.

In fact, Mr. Speaker, this would reduce the present threat of school-leavers who are coming to the towns in big numbers because those are the only places where they can get jobs. Who can blame them because they will not get jobs outside the towns? If they go to the district headquarters, they have enough clerks and they have enough sweepers there, and so the next place left is the towns. This is mainly a question of the City of Nairobi and you find all of them coming very long distances. This is not very efficient because what happens in this thing is that when these school-leavers come to the headquarters of

the Ministries concerned they are listed down and when they are listed down they are told to go and wait. For how long can a school-leaver wait after doing his School Certificate at Division II. He hears that those who passed in Division III or failed their School Certificate have got jobs, but those who passed in Division II have no jobs anywhere. This is very unfair and if the students have tried to work very hard to pass their examinations, they should be given priority over those who fail their examinations; the priority should be given to those who merit it and not to those people who did not try as hard as possible.

Mr. Speaker, another point which I thought was taken care of very carefully, was the question of the self-help projects in this country. The President knows as well as anybody else knows that before he uttered the word *Harambee*, it existed in this country, but because it was being used by people who were not in prominent positions, it was not a very important word. However, we can now see how important this word *Harambee* is in this country; it has pushed mountains: it has built bridges; it has built schools; it has built roads and nearly everything is built by *Harambee* these days. This is because this word came under the proper influence. As I said before, it does not matter what words are said, what matters is who says these words. This word, having come from the President of this Republic, has worked wonders. Now is the right time for the self-help projects to be planned in such a way that instead of a small self-help group starting a small primary school somewhere, or trying to build a secondary school on the *Harambee* basis, let them finish what they have. They should start utilizing the facilities of the schools they have and run them efficiently before they start another self-help group. At present, Mr. Speaker, you find our people keep on contributing until they are broke. This does not help very much because they start building a health centre and before that one is finished, there is a church starting just next door, and before that goes half-way there is a primary school going on within the next few yards. The same people will continue contributing for all these things and finally we will have these buildings standing there for another 20 years without being used at all.

Therefore, Mr. Speaker, I feel that this is now the right time for our Development Plan to be co-ordinated, and if this can be co-ordinated, if a village wants to start something, they must complete one thing first before they are allowed to put up another one. In this way the citizens will be happy. At the moment, this spirit is losing ground because of this unplanned development.

[Mr. Mbogoh]

During the time when people are trying to build something you find that the Administration has also got its own self-help project and they do not even consider the fact that those people in the villages have already planned others. The district commissioners just stand up and say that they are going to build such-and-such a thing. What happens is that he sends a district officer and the district officer sends a chief and the chief sends a sub-chief and they go and force the people to give these funds; they do not collect these funds voluntarily. If somebody in the village does not have the money they pinch his goat and they sell it. This is not self-help; this is forced labour which is against our Constitution. I feel the departments should co-ordinate their efforts and co-ordinate the efforts of the people and with the people and then, after that, we will have a very efficient self-help system—*Harambee* system—which will take care of all the plans which we are trying to get going at present.

Mr. Speaker, if it is a question of the politicians building by self-help, let them do it and let them tell the people and announce to them what they want. If it is the politicians against the civil servants, then it will not work and it will be very difficult for this Government to control the whole thing because the politicians want to develop the country and the administrators want to develop the country, but they must meet somewhere.

Mr. Speaker, I beg to support that speech.

Mr. Oduya: Mr. Speaker, Sir, I am most grateful for this opportunity and I would like to say a few things on the Presidential Speech. The President spoke of the responsibilities and functions of the hon. Members of this House and the dignity of Parliament. The President underlined this and also he spoke on constructive criticism. The President also said that he thought we had been long enough here and he hoped that we would not just be people with parochial attitudes, or people—if I can quote—“... far less automatic condemnation, or baseless and sometimes marathon attacks by hon. Members on the Government to which they are committed, by popular mandate, to support with loyalty and striving.” This is well and good. He also said that he hoped there would be “... no wild allegations rooted in ignorance. . . .”

These are quite good and I support the President fully. However, Sir, what do we see here? He talked about various Africanization programmes, but there are quite different categories

in these Africanization programmes. First of all, we have the Africanization of business; secondly, we have Africanization of the Civil Service and the private sector, and so on and so forth. We Members of this House, Sir, as far as I am concerned, so long as there is imbalance in the business sector, so long as corruption is being practised there, we will continue to speak our minds and very clearly too. We would like the President to notice that we are not just here to attack the Government for the purposes of attack, but there are certain things which we have been seeking in this House for the last six years; I should think we are now doing our sixth year. The Government should have been in a position to see if what the Members say here is true, if our functions and responsibilities are recognized. If our functions and responsibilities are not recognized, then it means the warning here does not hold very much water. If it is going to hold water, then our warning here should carry weight with the executives authority.

Mr. Speaker, Sir, in this country we introduced a Bill some time back about Africanizing businesses. Business which will include buying existing property. For example, our people were told that when the Trade Licensing Act came into operation then the Africans would be assisted to buy existing businesses. I have been following the whole of Government Road from the railway station to the University side and I have not seen anything African there and that is a big street in this country. I have been following the whole of Kenyatta Avenue right up to State House but there is nothing called African there. I only followed the remote side of Bazaar Street and I saw probably four African business shops which they have bought recently. These also belong to one tribe of this country, and we must mention this because these are the sort of things which are going to bring trouble. It is no use I, as a Member for Teso, coming here to say that everything is all right and Africans are gaining and yet there is not a single Teso who is gaining.

Now, Sir, when I go round River Road I find that all those who have bought shops there, the few Africans who have bought shops there are all from the one area, and—

Hon. Members: From where?

Mr. Oduya: I think hon. Members will use their own common sense to know which area I mean.

Unless this is corrected then it is going to create a very big problem within the country. Let us not pretend that we are doing very well

[Mr. Oduya]

when we are not actually doing very well. We are actually creating a big disease which is going to create a major problem between our people.

Now, Sir, it is good that we are replacing the foreigners in business, but it is good that we should look at Kenya as widely as possible so that we accommodate all our people in what we are going to do. When you come to the buying of houses you find that people in executive positions like permanent secretaries, are buying houses for cash. I think this is corruption because the man is spending more than Sh. 300,000 to buy property yet his salary for the last five years, Sir, is only Sh. 280,000. From where did he obtain the extra money?

Mr. Ngala-Abok: On a point of order, Mr. Speaker, the Member has just alleged that probably some of our permanent secretaries are buying houses for Sh. 300,000 cash, can he substantiate that this allegation is true?

The Speaker (Mr. Slade): Can you substantiate, Mr. Oduya?

Mr. Oduya: Yes, Sir.

With your permission, Sir, I would like to give one or two examples. The first one is a very specific case. There is one Permanent Secretary—I will come to his name later—who in 1967 bought a house, the land registration number is L.R. 7258/31/Nairobi, value Sh. 62,000. In 1968, he bought a house registration number L.R. 2327/99/Kiambu, value Sh. 62,000 cash. The same person then bought another house in 1969, land registration number L.R. 3734/326/Nairobi, on which he built a house for cash amounting to Sh. 180,000. The total being well over Sh. 300,000. The salary of this man as I have calculated is only, for the last five years when he has worked as a Permanent Secretary, is Sh. 280,000, besides taxation, expenses and besides anything. This property he has bought is besides all other property he has. The man concerned is Andrew Omanga, the the Permanent Secretary for Home Affairs. This is an example to show there is corruption. How is it that an individual like this has bought property worth this amount and yet his salary is below what he has spent on housing alone? What about other things because I hear he has large farms also? This means there is something wrong within the framework of the Government.

Mr. Speaker, Sir, if the Members would like me to go ahead I will give another example.

Hon. Members: Go ahead.

Mr. Oduya: There is another one who bought a house in 1966, L.R. No.— I did not get the number because I was in a hurry, but he bought a house for Sh. 70,000 in 1966. In 1968 again he bought another house worth Sh. 130,000, these are all cash. In 1969, this year, he bought through an organization called National Property Company, of which he himself is the chairman. You can see there is corruption there. The chairman himself taking Sh. 200,000 to buy property, amounting to well over Sh. 400,000.

Now, Sir, we are told that people must compete. This man is called J. G. Kibe, Permanent Secretary, Ministry of Commerce and Industry. I do not want to go to the politicians because they are also politicians a few of them here.

Mr. arap Biy: On a point of order, Mr. Speaker, for the purpose of correction, I would like to inform my hon. friend that the Chairman of the Kenya National Property Company is Mr. Charles Rubia and not Mr. Kibe. This was only for correction.

Mr. Oduya: Mr. Kibe is the Permanent Secretary and this organization is under him. Therefore, it makes no difference. This is the corruption which the Members have been complaining of in this House, and this means it is definitely there. For this purpose, I will spare the politicians on one side because I am contemplating bringing a Motion on corruption in this House and this would bring the whole thing out.

Now, Sir, although the President laid great emphasis on Africanization, but if this should mean the kind of Africanization where one individual within a matter of a few hours has accumulated all that much and yet other people still walk naked, and without anything, this just goes to show there is corruption in this Government and as such I would call upon the President to institute a commission of inquiry in order to bring this out and clean the whole Government name and put the country in peace.

With these few remarks, Sir, I beg to support the President's Speech with these reservations.

The Speaker (Mr. Slade): I think I must comment on the facts which Mr. Oduya has brought to the notice of the House. An hon. Member is only doing his duty when he brings such facts to the notice of the House, but we have to be careful what deductions we make from those facts, and I think the hon. Member went a little too far in saying they inevitably point to corruption. What hon. Members should do if they think these facts are sinister, is to ask what explanation there is—there may be a perfectly satisfactory

[The Speaker]

explanation—before leaping to the conclusion that they point to corruption. If there is not a satisfactory explanation, then is the time to start making your deductions.

Mr. Mbogoh: On a point of order, Mr. Speaker, generally when somebody substantiates such facts, we have the usual way of following up when we demand that we know the source of information and also have them laid on the Table, would it be reasonable for me to ask for the source of the information and have the documents which might be the source of the information laid on the Table?

The Speaker (Mr. Slade): The hon. Member, I think, was substantiating from notes of his own and not from any documents which was evidence which he obtained from elsewhere. You do not lay your own notes on the Table.

Mr. G. G. Kariuki: Mr. Speaker, Sir, I would like also to join my colleagues who have supported the President on his document of 20th May 1969. This document, Mr. Speaker, Sir, is supposed to be a document which put forward the State policy. All the time when we have Presidential speeches we normally expect some very, very important information given to us, and also to the nation. This paper, Sir, I am sorry to say there is very little in it.

It could be important as the Assistant Minister is saying because it is his duty to praise something which is probably not existing just to keep his breath going.

Mr. Speaker, the President ought to have elaborated further on the question of our agricultural industry. Mr. Speaker, here we know very well that our agriculture is an industry which is dying, because there has been no improvement there. We do not know what to tell the public because whatever they produce on their farms is not marketable. Take for example, Mr. Speaker, coffee, which used to fetch a lot of money on the external market, but now you see that coffee is running down although it is still keeping its level of production which rose by 12.8 per cent in 1968. If you follow the speeches of the leaders in coffee like my friend, the hon. Member for Embu who is the vice-chairman of the Coffee Board, you find that now they are concentrating on telling people to please grow a good quality of coffee. The song now is for good quality in certain things which are running down.

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

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

If you turn to sisal, Mr. Deputy Speaker, you find that in 1963 sisal used to fetch £7.5 million but now is only £1.8 million, that sort of thing is a dead institution.

Tea, Mr. Deputy Speaker, is trying very hard—

Mr. Mbogoh: On a point of order, Mr. Deputy Speaker, may I correct the hon. Member's statement that coffee used to fetch £14.5 million and now it is fetching £1.4 million for the sake of the correction. Coffee is much more than that. I think **he must have been talking about sisal.**

Mr. G. G. Kariuki: Mr. Deputy Speaker, the hon. Member ought to have listened carefully to what another hon. Member was talking about. In front of me here, and I have done my homework, and I know what I am talking about. I said that coffee has not done very badly, but is only remaining with 1 per cent, and it is going to go down. In 1963 it used to be 11.0 and now it is 12.8 per cent. I said that coffee had not done very badly but is still going to die and the growers are now being told to concentrate on good quality. They will sing of good quality but I do not know if we will have an answer.

Mr. Deputy Speaker, in the Presidential Speech something was mentioned about the meat industry which the President said was going to give us some good returns. This is obvious, but, Mr. Deputy Speaker, he should also have told the nation how far we have failed in our agricultural policy and how much we are intending to achieve in this area.

Mr. Deputy Speaker, you find the unemployment problem alone, whilst we agree that the solution to unemployment is an expanding economy we must enforce Africanization. By doing this, we are making sure that the law which is there is not being played about with by the foreigners who control the industry in this country. I believe in this country we have enough people, although we do not have quite enough, but at least we are proud to say that we have some people whose brains have not been properly exploited. The question of saying that we do not have enough people is completely irrelevant.

Mr. Deputy Speaker, I think the best thing to make our policy to be a successful policy in Africanizing everything in our industries, then we want to make sure that whatever we say in this House, whatever is passed in this House, is taken seriously by the investors.

The other point, Mr. Deputy Speaker, you see that in the country we have introduced land settlement schemes. Although I support land settlement because it is giving people employment,

[Mr. G. G. Kariuki]

and also giving people some property by giving them either 7-acre plots or 30-acre plots, I think the problem of the landless will never end. What is collective farming? Collective farming, Mr. Deputy Speaker, will come about only when we have co-operative societies being given first priority in our development.

The other point, Mr. Deputy Speaker, my friend over there has just complained about corruption. Mr. Deputy Speaker, I do not want to say that I have proof of corruption in this country, but if a referendum is put forward to the public to see if this Government has gone beyond its check-point by way of corruption, then the referendum should be carried out. You find at a political level a politician who can afford to pay Sh. 10,000 every week to the so-called self-help schemes. From where does he get this money? Do we ever take any time to check on these things. If you can see a permanent secretary building houses one after the other and within three years he has three houses, from where does this money come from? If we only look at the KPU and say they are receiving foreign money, even in our own party we have to be very careful because we can smell there is foreign money coming in. Probably some people are being used by foreign powers to try to pour money into self-help schemes and also these self-help schemes unless checked are a source of corruption in this country. If I do not agree with Patel, then Patel, Mr. Deputy Speaker, will pay something to a self-help scheme which I am supporting, and that is psychological corruption because he is trying to put you in a position where you cannot say he is corrupting you. It is all right because a lot of buildings have been put up, a lot of things have been put up because of self-help schemes. Mr. Deputy Speaker, let us make sure that this is not abused.

Mr. Karungaru: On a point of order, Mr. Deputy Speaker, is the Member speaking now implying that the question of introducing the self-help schemes leads to corruption, and if so is he now blaming the policy of the Government which he is supporting, or what is he saying?

The Deputy Speaker (Dr. De Souza): I cannot see where a point of order is involved.

Mr. G. G. Kariuki: Mr. Deputy Speaker, I think I have been a long time in this Chamber, and the hon. Member for somewhere, for Embakasi, is quite unpopular here and it is easy to forget his name, and also forget his constituency.

Now, I think this is a good way. I am not in any way trying to suggest that the Government has not used these good ways of providing the

nation with capital improvement. through self-help projects, but there is a reason for stating this. In many of the self-help projects you will find some common cases. One way occasionally witness a case in which a very old woman pays the only shilling she has! She is, however, very sincere in what she does. On the other hand, you will find occasionally, some politicians pouring money into the same undertaking. One is therefore bound to ask the question—are these people earning more money than others? A Member of Parliament does not earn more money than a Permanent Secretary.

An hon. Member: No.

Mr. G. G. Kariuki: The Minister does not earn more than a general manager of a statutory board. However, those managers cannot afford to pay. Where are they then, getting the money from?

Mr. Deputy Speaker, Sir, because I have noted that my ten minutes are over, I reserve my comment and will therefore speak again during the Budget Speech.

Mr. Kathanga: Mr. Deputy Speaker, Sir, I stand to support the Presidential Address, which, according to my opinion, was second to none. In addition to this, I would like to state that the Government has introduced another cash crop by the name of macadamia nuts. Mr. Deputy Speaker, Sir, the seedlings of this important cash crop are grown by one farmer whose farm is on the Thika Road. What arouses surprise is the fact that one tree seedling costs five or six shillings. This is very expensive. Mr. Deputy Speaker, I think the Government should assist co-operative societies in this country to import seeds of this crop. This should be done with the purpose of establishing nurseries and would, therefore, follow the line which was taken for coffee. This would assist planters to grow this crop faster than they are doing at present. The prices as I have stated are exorbitant. Many of our small-scale farmers are not able to buy these seedlings and the commencement of nurseries would eliminate the monopoly exercised by one farmer, whom I have already mentioned.

I have another point, Mr. Deputy Speaker, Sir. When coffee was introduced in this country by the colonialists, Africans were told that they would not be able to grow the crop efficiently, but today they are the best coffee growers in this country.

When I raised a question of macadamia nut cultivation in this House, I was told by the Minister for Agriculture that the undertaking of growing macadamia nuts is a very specialized job

[Mr. Kathanga]

This implied, therefore, that the Africans will not be able to do it. Mr. Deputy Speaker, Sir, I would like seedlings to be given to our farmers, or for that matter, to our co-operative societies and see how they will fare.

Mr. Deputy Speaker, this country is independent. If we are able to do other things, it is unrealistic to suggest that we cannot grow macadamia seedlings.

There is another point, Sir, the Kenya Planters' Co-operative Union which is a country-wide organization, owned and controlled by small- and large-scale coffee growers has applied for an agency to deal with all phases of the macadamia nut crop. It has nevertheless aroused surprise to note that up to now the Ministry of Agriculture has not given its assent, and I am unable to understand why the Ministry of Agriculture should show such reluctance. For the information of the hon. Members, I would like to state that the Kenya Planters' Co-operative Union is a very large organization.

An hon. Member: So what?

Mr. Kathanga: If there is anybody to be given an agency, for processing and marketing, the Kenya Planters' Co-operative Union, which undoubtedly is the best, should be given first priority.

An hon. Member: No!

Mr. Kathanga: I have a reason for saying this because if the agency is given to a foreign company, this would obviously be wrong. This is quite logical. Many of the growers are small-scale farmers and will not be able to make or change the policy of a foreign company.

Mr. Deputy Speaker, I understand that there is a certain company by the name of Del Monte. This company is the owner of the Thika Cannery and is at present busy with the negotiation of obtaining the rights of the agency. I would like to inform the hon. Members of this House that that is a foreign company. If it is a foreign company, it would be wrong therefore, to give it the agency. I am quite sure the hon. Members in this House are supporting me in this.

An hon. Member: What interest has he?

Mr. Kathanga: I have no interest. Mr. Deputy Speaker, Sir, my only interest is to see my fellow Africans benefit.

I would like to add one thing more. As long as the Ministry of Agriculture is still under a white man, small African farmers will never benefit. The time has come when a replacement

should be made. I would like to request the President of this country, if only he can hear me, to substitute an African for that white man. We are independent and it is the high time now that we should not have a white man in our Cabinet.

Mr. Deputy Speaker, Sir, my next point is about the Coffee Authority. It is only a period of six months which has elapsed since I moved a Motion in this House. This Motion was supported and carried by the hon. Members of this House to the effect that the Coffee Authority should be banned. Up to the present day, no implementation of that resolution has been carried out by the Government. I am wondering why the Government has failed in this. According to my personal opinion, the person who is probably behind all this is the Minister for Agriculture. Now, I understand that instead of implementing the Motion fully, the Government intends to absorb the Coffee Authority into a new amalgamation of the Coffee Marketing Board. This in itself cannot be said to be a step towards the banning of the Authority. It is trying instead to hide it somewhere else instead of eradicating it.

Mr. Deputy Speaker, Sir, our interest is not to do away with the name Coffee Authority, but to eliminate every single expense, and if this is not going to be implemented, everybody will be bound to consider this House as virtually *bure*. This will ultimately mean that, when something is passed here, there is another powerful person or body to change it. If that is the case, I will quite rightly be led to believe there is no point in being a Member of a Parliament which passes a Motion to benefit our people and which is not implemented by the Government.

An hon. Member: You had better resign.

Mr. Kathanga: Mr. Deputy Speaker, Sir, I would like to draw the attention of this House to a conference held in Nairobi recently and attended by leaders of the co-operatives, where, it was stated that the implementation of that Motion should be carried out as soon as possible. For your information, hon. Members, this Authority is continuing to consume Sh. 3,600,000 of the coffee growers' money in the country.

An hon. Member: Every year?

Mr. Kathanga: You can well recall what I told you when I was moving the Motion. I stated that it was started illegally; that it had no mandate of this House. Neither had it the mandate of the President, if that was really needed.

Another important thing, Mr. Deputy Speaker, Sir, is about the coffee export tax. I think Mr. Deputy Speaker, Sir, since prices of coffee are very poor these days, there is no reason why this

[Mr. Kathanga]

coffee export tax should not be stopped or dropped I understand that when the Minister for Agriculture was the Minister for Finance, he addressed a coffee conference in Nairobi some time last year and he promised that if prices of coffee, or to be more specific, if the price of one ton of coffee dropped from £320 per ton to a less figure, he would be able to drop the export tax. I want to tell him now that the price of one ton of coffee is only £300 and it is time he dropped import tax, so that our coffee growers can benefit.

Mr. Areman: On a point of order, Mr. Deputy Speaker, Sir, last time here, we were told by the Speaker that hon. Members should not come in the Chamber with a bush shirt, without a coat on. Is the Member who is now speaking here in order since he is dressed in that kind of thing?

An hon. Member: It is a shame.

The Deputy Speaker (Dr. De Souza): A point of order. We have in fact not decided yet on a dress for this House and I actually do not find the hon. Member improperly dressed. I think he is dressed all right.

Mr. Kathanga: Mr. Deputy Speaker, Sir, the same question was raised here before you came by the hon. Member. When I heard this point of order I think I told the hon. Member who had raised the question that I was smartly dressed.

An hon. Member: You come from the same area; you should not complain.

Mr. Kathanga: Another point, Mr. Deputy Speaker, Sir, is—

The Deputy Speaker (Dr. De Souza): No, no, your time is up, Mr. Kathanga.

Mr. Kathanga: Thank you, Mr. Deputy Speaker, Sir.

Mr. Mwalwa: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to speak.

The Presidential Speech, Mr. Deputy Speaker, was given in the same way the President always speaks. We all welcomed his address, but in welcoming his address, Sir, I personally have one or two observations to make. Sir, just before independence, every person in the country and every part of the country and every part of the community, fought very seriously for independence. We all united together and won our independence. Sir, that was one step forward and there now remains at least two more steps in the course of developing the nation, which will be the Africanization of both the Civil Service and the private sector. Indeed, the President referred to Africanization of the private sector and the Civil Service.

This is not new to the Members of this House or the public either. Sir, the Africanization of the Civil Service and the private sector has inclined to one section of the community. Sir, we are not afraid of talking about this because we have seen what is happening.

There has been a big imbalance in the Africanization and Members of this House have spoken time and again about this situation. Sir, this now has come into the open and we know what is happening. Look at the provincial commissioners, the district commissioners, and the district officers. 99 per cent of these people belong to one section of the community. Sir, the problem here is this: the provincial commissioner is a young man, the district commissioner is young and the district officer is also young, and these people who are coming up with the nation, will never get to the top because the people in these jobs are still young and cannot be retired. So, the section which has missed the opportunity of getting these posts has now missed it completely. They are going to stay for years and years and only if the Government is defeated, will they get a chance. I do not wait or wish for this. Sir, that is quite wrong.

The other step which we are now waiting for, is the Africanization of trade. When this House passed the Trade Licensing Act, we expected that this Act was going to benefit almost every person of the community. Has it done so? No, and with a capital "NO" and Government knows it.

Mr. Deputy Speaker, Sir, what is happening in the country today is this, that there are so many foreign traders who have been given notices to quit their businesses and they are doing it, but what is the criteria for replacing them? Sir, in order to replace all those people you have to supply the money. You must have a large capital sum of money available, and where do you get the money from? You get the money from the commercial banks in Kenya or you get the money from the Industrial and Development Corporation. Now what is taking place is this: in some districts like Masaku and Kitui where I come from, land consolidation has not taken place, and therefore, people have no title-deeds for their properties, not only for their land, but also for their buildings. Therefore, if I wanted to get money from the commercial banks in Nairobi today, I would be asked to produce a title-deed, either for my land or for my property which I do not have. This applies not only to myself, but to many others. All the people, nearly everybody in Ukambani, that is Kitui and Machakos, have not got their title-deeds for their properties. Therefore, if they are to participate in taking over businesses in the country, how are they going to

[Mr. Mwalwa] get money? Where are they going to get the money from? They have to wait for title-deeds for their own properties, but they have not got them, and therefore, the banks are not prepared to lend the money unless you have security, and those title-deeds are the security required.

Sir, are we therefore, carrying out this Africanization of the businesses fairly? Is this benefiting every section of the community? No. Will the Government therefore move on this one because if this is not being corrected, then the section which remains now without taking part in this Africanization will remain without it for ever. We have remained without taking a big share in the Africanization of the Civil Service. We are afraid, it appears as if the sections which have received big posts in the Civil Service are going to have participation in the African trade in the business economy. Sir, a Member who spoke this afternoon said that probably Kanu may lose in the next General Election, Mr. Deputy Speaker, Sir, this is not a joke, Members have to be very serious on this one because there is talk all over the country that Kanu is not doing well, in that a few people are benefiting, those who are in Kanu and others are not benefiting. Those who are not benefiting are dissatisfied and therefore, if this is not going to be corrected, then Kanu is going to split even more. Once the gap becomes bigger and bigger, how is Kanu going to win the next election? How is it going to win when people in the country are so bitter because of these imbalances in trade, the imbalance in the Civil Service and the imbalance in almost everything in the country?

Mr. Speaker, Sir, we should not take it very lightly when we hear that there is something wrong in our own organization; we should take it very seriously so that we win the next General Election.

Sir, I have another very interesting point about the same business of trade. Sir, if you want to borrow money from the Industrial and Commercial Development Corporation, you will again be asked for the security which you do not have. There is another serious thing, the chairman of this organization is a Kikuyu. If another person from another tribe goes to look for a loan—

Mr. arap Biy: On a point of order, Mr. Deputy Speaker, Sir, I would like to correct my hon. friend because he has said that the Chairman of the Industrial and Commercial Development Corporation is a Kikuyu, I would like to inform him that he is not a Kikuyu; he is a Kisii. He is Mr. Johnson Karaguri.

Mr. Mwalwa: I apologize. I was going to say the executive officer is a Kikuyu. Now, what is happening is this, if a member of another tribe goes to the organization for a loan, he is told to come back after a few days because the loan is being considered. Then he goes round to other members and tells them, "look, there is business somewhere, somebody was here who managed that business, go round and see if you can talk to the businessman and come for money". I have experienced this kind of development and I speak knowing what happens about business.

Mr. Deputy Speaker, Sir, these things must be corrected if we want to unite the country and if we want to build a nation. There is no need telling lies about things we see. We are Members of this House representing the public and we know about those things which we see from experience and because of that, Mr. Deputy Speaker, Sir, the Government must wake up and correct such things before it is too late. Sir, we know that it is better to prevent than to cure a disease so this is the time for the Government to put right its business so that we do not have regrets afterwards. I do not want to have any regrets when we lose in the next General Election. Mr. Deputy Speaker, Sir, with these few very sad words, I beg to support the speech.

Mr. Lenayiarra: Mr. Deputy Speaker, Sir, I thank you for this opportunity which enables me to say a few things about the Presidential Address. On the whole, I support the address and I think it was a very well planned address which reflects the general policy of our Government. Mr. Deputy Speaker, Sir, I have a few points which were mentioned in the Presidential Address that I would like to emphasize. One of them is about the primary elections. It seems as if our country has been thinking—of late—of a queer way to elect representatives. It is a pity that during the local government elections, only a few people in every constituency participated in electing the leaders. This was wrong and it is something we must try to prevent now so that when the next General Election comes, every registered voter in the country will be given the opportunity of voting for the candidate of his own choice.

Mr. Deputy Speaker, Sir, the experience our country has had from 1963 is that at the General Election every registered voter is allowed to vote for the person of his own choice. We had several parties at that time, but every party member was free to exercise his right of voting for his leader. Sir, as a result of this, today, we are proud that our people did not make a mistake. They chose the right leaders, people who have led this country to prosperity up to now.

[Mr. Lenayiarra]

Mr. Deputy Speaker, Sir, in most cases, they are right although, as is human, they may make mistakes and sometimes this is noted but generally, Mr. Deputy Speaker, Sir, I think I am right in saying that the leaders who were elected in 1963, plus those who have lead this country for the last five years this being the sixth year now—were the right leaders. It is only right if we want to continue seeing prosperity and peace in this country that we continue to give the general public the freedom to vote for leaders of their own choice. If a few people or a number of Members of this House fail to be re-elected during the next General Election, that does not matter because what we want is the prosperity of Kenya and to see that the people who lead the country are those who have the mandate of the people.

Mr. Deputy Speaker, Sir, if only a few people were allowed to choose leaders, who would come to this House? How many people would come here and claim to be real representatives of their constituencies? How can a person claim to be a real representative of his constituency if he was only elected by two thousand people or one thousand out of a population of fifty thousand or more people? That will be very unfair and a great mistake on our part.

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

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

Mr. Speaker, Sir, I know that our beloved President, the father of this nation, is a lover of democracy and I want to say that there are people, millions of them, who support him because of his leadership. He should not therefore hesitate if a small group of people come together and oppose this system of election whereby the general public is given the opportunity to exercise its right in choosing its leaders. Mr. Speaker, Sir, I say this with a full mandate of the people whom I represent. My people, the Samburu, want the Government to allow each and every registered voter to exercise the right of electing his leader. I know that this is a change in Kenya and many Members have spoken about it, but a good number of them will support me. I only want to compliment those gentlemen who were courageous enough to stand here or in the Parliamentary Group meeting and say the truth about something which they think will lead our country to prosperity and peace.

Another point, Mr. Speaker, Sir, I want to mention about the Presidential Address is the development of the backward areas. The President said that the backward areas will be helped and the

areas which are affected by the shifta menace will be helped too. He mentioned a few projects which are now going on in a few districts like Wajir, Mandera, Kajiado and Taita. Mr. Speaker, Sir, I want to say that it is common knowledge to the people of this country that some districts are backward; and this is true. Some people were very fortunate and made full use of the facilities which were offered by the Colonial Government and made some development. Others were fortunate because, during the shifta menace, they were not affected and therefore had full time to concentrate on development. On the other hand, Mr. Speaker, there were some districts which were unlucky because they were neglected during the colonial times, and again, during the time of the shifta they were affected by this menace, and nothing was done to improve their lot. My district, Samburu District, Sir, is one of these districts. I am sorry to say that so far I have not seen any major projects introduced by the Government to uplift the standards of the Samburu people.

Mr. Speaker, Sir, we still lack educational facilities, we have very few schools. This year is the first year when we had the first secondary school. There are very few primary schools. Districts like Samburu, Turkana and other backward districts obviously need more help, more assistance than those districts which have had assistance for some years now. In many districts there are a good many people who are enlightened. When a constituency Member goes to an area and wants to start a self-help scheme, there are many people who will agree with him and support him. At the same time I would say there are some places where it is a problem to convince a *mzee* that it is advantageous for him to send a child to school.

So the Government, in designing the Development Plans, should think more of these places. I remember there was a time when I requested the Government to introduce a separate development programme which was designed to help the backward districts. The answer was, yes the Government was going to look into this matter but it was not possible to have a separate development programme. I was told that the Government would always give priority to the backward districts and would help the people more. However, with regard to my district, and I know this applies to many other places, there is very little progress. All the money which the Government has for education, for industrial purposes, and for ranching and other things, is still going to places and districts which are greatly advanced and much more developed. Mr. Speaker, Sir, it is high time that something was done to help these people who

[**Mr. Lenayiarra**]

have been left behind by the colonial régime, people who did not get a chance of helping themselves all these years.

With those few words, Mr. Speaker, I support the Presidential Address.

Mr. Lorimo: Mr. Speaker, Sir, everybody heard the President when he was talking here. It was a wonderful address, everybody has read it, and I support it very strongly.

I do not have very much to say; there are only a few points I would like to mention.

I would like to start with trade in the rural areas. I come from a rural area, one where we experience a lot of difficulty when we talk in terms of trade. The people in the rural areas are not the same as people living in the urban areas. People in the rural areas, whenever they are told something, they respond to it. They respond, in particular, to whatever Government tells them. People in the towns or the urban areas, on the other hand, do not respond. So, in relation to this, I feel that the people in the rural areas should be helped more than the people in the urban areas or in the towns.

I am glad to hear from the Government that they are going to concentrate more on the rural areas than on the urban areas. In that connexion I would like to warn the Government and say that since the people in the rural areas are going to respond to whatever they are told by the Government, then something must really be done for them. They must be told how to market their produce. People in the rural areas are told to grow vegetables or cereals, anything, and they respond to this call. Then they have the problem of marketing this produce. If they do all they are required to do, and then they cannot market their produce, Sir, what will they do? I know that some people in the rural areas have tried their best to do what they are told, to grow what they are told to grow, and then they find that after they do what they are told to do they do not have a market for their produce. Such things should be looked into so that the people in the rural areas will benefit from whatever they grow. You find some person planting half an acre of cabbages, then he has no market for these cabbages, so the following year he does not grow cabbages again. This is very discouraging to the people.

Mr. Speaker, for people around Nairobi, like my friend hon. Karungaru, when he brings, say, carrots, potatoes and so on to Nairobi to sell, the same day he goes back with money. How-

ever, those who are living in the rural areas find difficulties of markets. Therefore, Government should look into this matter.

The Government should also look into the question of loans. The people in the rural areas find difficulties in obtaining loans. They are told that the Government is prepared to give them loans. They go to the district officer and the district officer then sends them to the district commissioner's office. The district commissioner tells them to go to the trade officer's office. Here they are given forms to fill. When they fill in the forms, they are then told to go home and wait. They wait for about six months and nothing happens. What is this? Government should look into this question so that the people in the rural areas will know for certain whether they are to be given loans or not.

I understand, Mr. Speaker, there are some people called trade officers. I have not yet met a single one of them; that may be my fault or somebody else's. I understand there are these officers; but where are they stationed? Are they there for everybody or for people in certain towns? If they are there for particular towns, Mr. Speaker, then I do not see any reason why they are paid with money from the people of this country. If they are stationed in Nairobi, Nakuru, Mombasa, Kisumu, Eldoret or Kitale, then, Sir, surely that is very bad. They should help each and every district. This must be the position unless somebody can tell me in this House that these officers are not paid with Government money.

There is another point, Mr. Speaker, and this affects the rural areas. This is a serious problem—that of the Transport Licensing Board. People have submitted their applications to the Transport Licensing Board but they have been turned down several times and yet they do not know the reason why. This has become something which has become tribalistic, so the people say. It has become a real problem. I do not know who are the Members concerned in this, and I do not want to be challenged by any Member in this House to mention names. I am talking about those things which I have heard from members of the public, that this Board has become tribalistic. We want the members of this Board to be changed. Why give all licences to people in the urban areas and leave out the people in the rural areas? If I am not wrong, Mr. Speaker, there is somebody in Elgeyo-Marakwet—not my own area—who applied for a licence to run a vehicle from Eldoret to Mombasa and he was refused permission. No reason was given. Somebody else

[Mr. Lorimo]

wanted to run a vehicle from Mombasa to Kampala and he, too, was refused. Some people in West Pokot wanted to run a bus service from a place called Mokatono to a place called Sigor and they were refused. So we feel there is something wrong going on in the Board; we feel there is tribalism there.

I come to the question of the Settlement Scheme Selection Committee. I feel there is something wrong with this selection committee. These committees are situated in the urban area, more or less, and they do not consider the fact that there are a number of people who are landless in the rural areas. They only think of those people who are within the towns, on the *shambas* formerly occupied by the Europeans. There are a number of people in the rural areas who are landless, but nobody has bothered to find out what can be done to help these people. I warn this House about one thing. Before we attained independence there were a number of commissions in Kenya. There were things called spheres of influence. For example, West Pokot—prior to the arrival of the Europeans in Kenya, the people of West Pokot were living in Trans Nzoia. If the people of West Pokot are not now going to be given even a piece of land in Trans Nzoia, then that is terrible. I am told that we now have the Settlement Schemes Selection Committees, which are not prepared to listen to any request of the Pokot people. So I feel that this is an abuse to the people of Pokot. Mr. Speaker, I would like to urge the Government to see to it that the members of the Settlement Schemes Selection Committee are drawn from all tribes, particularly the tribes around the areas in question which are being settled. It is not right to pick a person from Mombasa and make him a member of the Trans Nzoia Selection Committee. Why is it that there is not a single Pokot on this committee? Why is it that my fellow friend from Elgeyo-Marakwet is not there? Why is it that there is not a single Sabaot there? Whoever is dealing with this matter should check the list to see whether or not what I am saying is true. I repeat that the Government should look into this question of the Settlement Schemes Selection Committee for Trans Nzoia, Pokot and these areas.

Mr. Speaker, I come now to the question of coffee and tea. Some areas are very good for tea, others are good for coffee. I must say, however, that West Pokot is good for coffee as well as tea. We have planted coffee and it has done very well. I would say that West Pokot is now producing the best coffee we have in Kenya today. In fact,

I was told one day that the coffee of West Pokot was the best in the whole of Kenya.

Now, Mr. Speaker, Sir—

The Speaker (Mr. Slade): It is the end of your time.

Mr. Thimangu-Kaunyangi: Mr. Speaker, Sir, I do not think it can be rightly said that this is an empty speech as some Members have said. I think it is a very important speech because it covers the whole field of our nation. For this reason I think His Excellency the President should be congratulated.

However, Mr. Speaker, there is always a “but” when we talk about speeches like this one because although we cannot say the Government does exactly nothing, we know the Government could do more. For example, we know that the Government has laid the foundation for development but there are always the things we keep on repeating, where the development is not evenly distributed. I think the key to all this is what many other Members have mentioned, that is, corruption, tribalism, Africanization and Kenyanization which many people want and yet they do not want that here we should have Africans. They want Africanization, they want Kenyanization for themselves, not for the Kenyans, not for the Africans. What I mean, Mr. Speaker, is that in commerce—as many other Members have said—or other fields, if proper Africanization was done, if it was evenly distributed, then people would already have started seeing the benefits of things given to them by the Government.

After that comment I would like to move on to agricultural revolution. All the time we hear that our agriculture in Kenya is doing wonders, but I want to say that up to now, for the small farmer, for the peasant farmer—and when I say peasant I do not mean to abuse anybody's agricultural farm but mean, actually, the small farmer in the rural areas—is not benefiting at all.

Mr. Speaker, let me take, for example, maize. You find it is produced by the small farmer—and probably by the bigger farmer—but that small farmer is not allowed to sell that maize as he wants, or where he wants, whereas the big man who buys it and makes *posho* can sell anywhere, he can get good markets. I have in mind the restriction of movement of a crop like maize, where it is restricted in such a way where in one district if a farmer is pressed for money because he wants school fees for his child, or something else, and the Maize and Produce Marketing Board people have not come around to buy his maize, he is not allowed even to go

[Mr. Thimangu-Kaunyangi]

and sell one bag across the location at another market where he can get a good price. Therefore—

An hon. Member: Are you sure?

Mr. Thimangu-Kaunyangi: Yes, Mr. Speaker, I am very sure. I asked this question before, and later pursued it by a Motion on the Adjournment. The reply I got was that the restrictions were going to be eased, but they were never eased. Although the movement of one bag is allowed, it is only allowed on a public vehicle, such as a bus, but not in a lorry or a Land-Rover. Therefore, the movement is still restricted—

An hon. Member: Within the district.

Mr. Thimangu-Kaunyangi: Within the district, yes.

I think, Mr. Speaker, if we want to help the people in the rural areas, whatever they produce we must make it easy for them to sell, even locally. Such restrictions only make it very difficult for the people in the rural areas to benefit directly from the maize they produce. The price has been mentioned by other Members: a bag is sold for about Sh. 22, but when it has been turned into *posho*—that means ground into flour—the price is almost three times of what the farmer gets.

Mr. Speaker, I do not think this agricultural revolution is really helping the small man in the rural area. And because these are the majority of our people, we should start thinking in terms of how to help that small man directly, and not thinking of how to create wealth in the country which is not evenly distributed.

Mr. Speaker, there is another thing which has been mentioned, but I want to mention it in another way. In other words, some Members have spoken about this paragraph which mentioned land registration and consolidation. I think the African plot-owners in the rural areas should not have to wait for land consolidation to be completed before they are given title-deeds. I think they should be given title-deeds right away because these are small plots and they are known, and it is a matter of registering them straight away. This will help them to get loans because they can produce their title-deeds as security.

Mr. Speaker, Sir, I would like to mention something which has also got something to do with these people whom I was talking about—corruption and Africanization—and this has got to do with the Kenyanization of Personnel

Bureau. I think, after quite a time of Members making suggestions here, this Kenyanization of Personnel Bureau was established to tackle the problem of school-leavers. I do not think it is tackling this problem in the right way. I do not know whether this is because the bureau has not got the right power, or whether corruption has entered there or whether tribalism has entered there. I think what should be done is that instead of being a small department under one fairly senior officer who is not senior enough, it should be made into a permanent commission where there should be members of the commission from various provinces and various places, so that the distribution of these jobs in the private sector can be even.

Mr. Speaker, Sir, I am saying this because I know that in my area we have students, Form IV school-leavers, who left school in 1967 and, although they registered with this Kenyanization of Personnel Bureau, up to now they are not employed. I doubt whether in other areas within the vicinity of Nairobi, or other districts which are near Nairobi, there are any Form IV school-leavers who left school in 1967, and registered with the Kenyanization of Personnel Bureau straightaway who have not been fixed with a job. I feel that if this commission was established, then it would solve not only the problem of school-leavers but it would be a commission to cover the whole field of unemployment. It should be given powers to advise the Government on how jobs could be created; it should be given powers to interview these job-seekers so that the responsibility is not given to one person who might be tempted to favour his or her brother, or some other relative, or somebody else who has got money. This should be a body which would be empowered to interview and give advice on employment. It should also be given powers to decide on who should be employed in the private sector. Some of the firms in the private sector say that the person they require from overseas has special qualifications, and such a body would be empowered to find out whether this is actually true and that the person required has special qualifications, or whether it was just another person who says he has special qualifications when we have our own people who could do the job with similar qualifications.

Mr. Speaker, Sir, I want to go to another subject which was mentioned by another Member, but not quite in the same way: that is the local governments and education bill. Primary education, Mr. Speaker, is under the local governments and, as you know, this bill is rising at such

[Mr. Thimangu-Kaunyangi] a high rate that within a few years the local governments might collapse unless the Government takes some actions.

Mr. Speaker, I see that my time is over and so I beg to support.

Mr. Kassa-Choon: Mr. Speaker, Sir, I wish to take this opportunity to join my colleagues—

QUORUM

Mr. Karungaru: I am seeking your guidance, Mr. Speaker, as to whether we have a quorum in this House; we seem to be speaking to an empty House.

The Speaker (Mr. Slade): I take it that you object to the lack of quorum?

Mr. Karungaru: Yes, Sir.

The Speaker (Mr. Slade): Ring the Division Bell.

(The Division Bell was rung)

The Speaker (Mr. Slade): Hon. Members, we have a quorum now. You may continue, Mr. Kassa-Choon.

Mr. Kassa-Choon: Mr. Speaker, Sir, when I was interrupted I was about to make the point that I do fully support what His Excellency the President said during the opening of this House last Tuesday. I know, Mr. Speaker, that a lot of points have been put forward and I do not want to repeat those except to mention one or two things.

The first one, Sir, is about the crime which the President mentioned. Here I would like to thank His Excellency the Vice-President and Minister for Home Affairs for the work the police and the General Service Unit are doing in the West Pokot district. During the months of February and March, Mr. Speaker, the situation there was not good at all; but during the month of April, the situation improved because of the work the police are doing to combat the stock-thefts.

Mr. Speaker, I would like to say here that I do thank the police for the good work they are doing in that particular area, and I want also to ask the Minister to establish more police posts in West Pokot, particularly in areas like Sigor, Lonkenet and Chesegon, where we have tribal clashes now and again, so that we can get rid of the theft.

If I may come to another point, Mr. Speaker, and that is about rural development which was mentioned in this book. West Pokot, you will remember, is one of those districts which was forgotten during the colonial times. Today, Mr.

Speaker, we can see other areas developing, and when we compare them with West Pokot we see we are very far behind. I would like to ask our Government to work and assist in planning a lot of factories there, and also try and attract some investors from outside so that they can invest on something that can help to develop that district.

Mr. Speaker, you know the Development Plan of last year did not contain anything for West Pokot district. There was nothing at all for us in that Development Plan. I hope this time, Mr. Speaker, as the President said in his speech that these other areas will be covered, Pokot will be given priority in all spheres. Mr. Speaker, I would like to leave that and move to another point.

My third point, Mr. Speaker, is about the population census. The President said that this will be taken during August this year. Mr. Speaker, I would like to make just a very small point here. You will remember that during the amalgamation of the two Houses, the Senate and the Lower House, we were promised that the area which is known as Kara Pokot, which is now being administered by the Uganda Government on our behalf, would be transferred to Kenya as it is the wish of the *wananchi* who are living in that area. Mr. Speaker, I would like to take this opportunity to ask our Government, again to negotiate with the Uganda Government and see that they come to a conclusion—that is to transfer this area to Kenya.

Mr. Speaker, I fail to understand why this area is being administered by Uganda on our behalf. Here we have a lot of unemployed people. For instance, if you go to Kapenguria you will see the district commissioner there, and his three or four district officers, doing nothing because the work is very little—yet we have this area just across the River Suam. I think if this area is transferred to Kenya, then one of the district officers there would be stationed at Amudat and several Tribal Police and police posts will be established there.

Mr. Speaker, I think this would create another position for our people who are now unemployed. That is why, Mr. Speaker, I would like to ask our Government to extend the population census to that area so that we take these people into our area and also open a voters roll, Mr. Speaker, because the last time they were not able to register there. We do not know now where they are standing. According to the Constitution, that area is regarded as part of Kenya. It comes under Constituency No. 86—that is Pokot West. We cannot go to this area and talk to our people there because it is still under the Uganda Government.

[Mr. Kassa-Choon]

Mr. Speaker, it is very difficult for us to go there, and even the Member representing this area cannot go and address his constituents. We do not know where these people stand. Let the Government now make it very clear whether these people will remain in Uganda, so that we forget about it completely, rather than confuse these people by telling them that the Government is doing something and that they will be transferred to Kenya and we will then work together as one team. As you know, the people living there have the same background as the Pokot in Kenya. It is their wish to come together and be administered from Kapenguria.

So, Mr. Speaker, the Government should take this point and see that during the August census, these people are given the opportunity of joining us.

Mr. Speaker, if I may, I will come to another point. My point number four, is about the livestock industry. This also was mentioned in this booklet and several areas have been improved; say, Taita and Kajiado and many other places. I want to say here, Mr. Speaker, that West Pokot District is one of those areas with a great potential for the livestock industry. Here I wish to make it very clear that the problem we have there present certain obstacles. One of them is the so-called grazing schemes, which were established during colonial days. These grazing schemes, Mr. Speaker, were established against the wishes of the people. This kind of method cannot work because the idea is that people should move from one place to another. The people are only allowed to keep one or two cows. This makes people rather poor. So, Mr. Speaker, I wish to ask our Government to go into this matter and try to encourage the people there to form ranching groups, rather than following this kind of method which is contrary to their wishes.

Mr. Speaker, if this kind of thing is done away with, the Pokot people will come forward, and they will work with the Government officers who are in the field and everything will be quite in order.

Mr. Speaker, I want to come to another point, which is about the settlement schemes. I think my colleagues have also touched on this problem. In West Pokot we have a lot of landless people at this time. Mr. Speaker, I think the farms which are being demarcated, which are adjacent to West Pokot District, in Trans Nzoia—I trust that the Government will consider applicants from West Pokot. I want to ask the Government today, Mr. Speaker, Sir, to see that during the interview time

the Board comes to Kapenguria, and interviews people from there, rather than going to Kitale which is 30 miles away and is in another district.

Mr. Speaker, Sir, the area along Kapkai was ours before and we were driven away by European settlers. So we demand today that we get priority when it is divided up for settlement of people. People from our district should be settled there so that we can also benefit from the fruits of independence.

Mr. Speaker, that is the point I wanted to mention; and as I see my time is over, Mr. Speaker, I fully support the Presidential Speech.

Mr. Makone: Mr. Speaker, Sir, I also wish to associate myself with the sentiments of the hon. Members and the good things they have said about the Presidential Speech.

Mr. Speaker, before I proceed with my speech, I must say it is very disappointing to see that all of the 22 Ministers, and about 26 Assistant Ministers are not here when we are making important speeches on the Presidential Address. Mr. Speaker, Sir, it is important—

The Speaker (Mr. Slade): I can see one Assistant Minister concealing himself in the back row.

Mr. Makone: Mr. Speaker, I am supposed to sit in a Back-bencher's seat, and if the Assistant Minister is here he should be on his Ministerial seat so that we can see him and even the people will see him. Mr. Speaker, if somebody wants to consult with or speak with his friend here or there, that is not the seating arrangement of this House. Mr. Speaker, 46 people should be here. They get tired too quickly. We have been here for only five days, and it is very discouraging indeed to see that they are all outside—which shows that they merely come to say, "Look, what are you doing? You are spoiling this and that". This is not good, Mr. Speaker. They should appreciate these few days that we are here with them. They kept us out for three months, and now we will tell them they should be here.

One thing I would like to say is that on the 24th of last month, Mr. Speaker—and this is in connexion with the freedom of the Press—I saw in the *Nation*, on the front page, that somebody in America is being sued by his wife. That, Mr. Speaker, was put on the front page. Mr. Speaker, to my understanding, this is just a mockery of the papers of this country. When you are in a hurry, you just look at the headlines quickly, so as to see the important things on the front page, there were some important things like the Presidential Address at Jamhuri Park, which is an important thing and has cost the country a lot of money. This ought to have come on the front page. Mr.

[**Mr. Makone**]

Speaker, there was also an important piece of information for the country to see concerning the opening of Njoro Taifa Hall by the Minister for Agriculture. His picture should have come on the front page. Because of shortage of time, we only look at the front page so as to see what is important. To give wide publicity to somebody divorcing a wife in court, to my understanding, Mr. Speaker, is wrong, and this is an abuse of the freedom of Press of this country.

Mr. Speaker, if I were the Minister for Information—I think I had better leave this one and go on with what I want to say.

Mr. Speaker, I have one important point to make—it has been raised by the Member for Buret and many other Members; in fact it has been made in this House many times. That is on the social set-up of employment in this country. Tribalism has been mentioned, and I do not want to dwell on it. But there is a small point I want to clear up, Mr. Speaker. Let it go on record that in this country, if tribalism has to be fought, it has to be fought by another tactic of tribalism, Mr. Speaker. This country has many tribes. If I take Kisii, as an example, the people who work in that district—if I do not say this here, Mr. Speaker, then there is no other place where I can say it. I would like to see, Mr. Speaker, if a district commissioner is a Kikuyu, I would like to see a Samburu district officer under him. I would like to see a Kalenjin district officer I. Mr. Speaker, I would like to see a Kisii police superintendent; I would like to see a Meru trade officer; I would like to see a mixture of the whole lot. Mr. Speaker, this is the pattern I would like to see. But I would not like, for the sake of partiality and of justice, to see people from one tribe holding the posts of district commissioner, district officer I, trade officer, agricultural officer, police superintendent, and what not. Mr. Speaker, this, my people see as a wrong set-up of the Public Service.

There is nothing wrong in this, but the way things are put, one after the other, is wrong. This means, therefore, Sir, that other tribes are not in the Public Service. If Kisii is the place where some officers have been taken from— If, for example, the district commissioner has made a mistake, I am bound to differ with him; and what guarantee do I have that I will not be taken to the police station? We want to see the different tribes of Kenya being given places, we do not want to see all the departmental heads, say, in Kiambu, being of the same tribe. We want, say, one Jalu, one Kisii, one Turkana, one Samburu, one Kalenjin. That point should be noted—that

it is a wrong set-up and we want to state in no uncertain terms that we do not like things to be that way.

Mr. Speaker, in connexion with self-help, this is what I should like to say. When the Kenya National Fund was set up— Mr. Speaker, I do not know whether you are a member or the chairman of that body; I think you are a member. This is my impression. Any person who comes to this country does not know Makone, he knows the Head of State. If he gives any donation to the Head of State, it is given to the State and even my people from Kitutu East should get a small share of this. My understanding is that any money given to the Head of State, small or big, should be put in a national fund so that it can be distributed to various districts. In that way self-help schemes will benefit all our people. I do not agree that all such donations should go to one institution. I do not know how much money that institution has collected by this time. We have had a lot of money given to the Gatundu self-help scheme. There is nothing wrong with that, of course; but I feel that this money should be distributed to various districts. That is the only way things should be done. If a Head of State like Banda or Kaunda comes here and gives the President something, say Sh. 20,000, that money should go to the Kenya National Fund so that my people will get a share from there. If it all goes, Mr. Speaker, to your self-help scheme, then I cannot get any of it. It must be distributed. These are true facts, Mr. Speaker. I disagree with what is being done and—

Mr. Kamau: On a point of order, Mr. Speaker, since Gatundu Hospital is being built under a self-help project initiated by the Member for Gatundu, is the Member speaking in order to criticize the way in which the public are donating to that self-help project, when people are contributing voluntarily?

The Speaker (Mr. Slade): Yes, the hon. Member is in order in expressing an opinion. That is all he is doing.

Mr. Makone: Mr. Speaker, I would like to give my friend there the correct impression. I did not say people from Kisii. I have quoted them as an example and then spoken of various districts. I am not implying what is being done is wrong. I am only saying that if a Head of State, Haile Selassie for example, comes here and gives Sh. 20,000 to our Head of State as a gift, that money should be put in the national fund by our Head of State.

Mr. Speaker, I want to make one more point before—

The Speaker (Mr. Slade): It is the end of your time, but I will give you one more minute because of the point of order.

Mr. Makone: Thank you, Sir.

One more point I would like to make is to ask the Government to take over some of the major responsibilities of the county councils in the country. In the end the failure of the county councils in the country will be charged as a failure of the Government. That is why I say responsibility, or the greater part of it, should be taken over by the Central Government in order to ensure the efficiency of the State.

Mr. Speaker, I beg to support.

Mr. Kibuga: Mr. Speaker, Sir, I wish to support the Motion as tabled by the Vice-President. In supporting this Motion, I would like to make a few comments.

Within the Presidential Speech there was something about foreign ideologies. Well, the President rightly condemned any foreign ideology being introduced into the country. However, Sir, we know that when foreign ideologies are being introduced into the country, they are being introduced together with foreign money. Sir, since 1963 it has been alleged from time to time—the Government has even admitted—that foreign money does come into the country. We would like to know how much money has been stopped from coming into the country because it was coming to an individual instead of coming to the Government. Sir, it may be easy to say that it is only KPU which is receiving foreign money; that is very easy to say. However, looking round the country, looking at the way some of the money is being spent, free drink in some places, you will realize that this foreign money is not only confined to KPU. This money is a little bit more widespread. So we would like to know why the Government is not doing something to stop this. Is it because some of the Ministers might be involved? This is something that should be checked, and in checking this, Mr. Speaker, I would like to ask the question: how independent is the police force in this country? If the police force is likely to be influenced politically, by an individual here or there, then it will be impossible for the police force to check any foreign money entering the country. Whether this money comes to an individual, a Back-bencher like myself, a Minister of the Government or a Member of the Opposition, this money should be checked—this foreign money. The name of the person bringing this money into the country should be disclosed. We have said several times that the trade unionists must not be influenced by forces outside; but can we say for certain that the Ministers are not

influenced by foreign money somewhere? This, Mr. Speaker, should be checked.

I would like to pass over that point and come to the primary elections. I know that primary elections are being supported throughout the country. Although a few fellows may secretly dislike the idea of having primary elections, they dare not go out into the countryside and tell their voters, or the people, "We do not want primary elections", because immediately they utter these words they know that the people will be opposed to such statements. However, Sir, I would like to say that if the primary elections are to succeed, then there is something else necessary in organizing them. That is the party. In this case I will talk of my party, Kanu. Today if we go round the country, we will see that there are so many branches which are being run illegally and unconstitutionally. The Kanu constitution provides that every year there will be branch elections in every district. However, if you look round, I will give an example of Central Province. In all the districts of Central Province, the last time they had these elections was in 1967. We are now in 1969. So, can we dare say that there is any legal branch operating in Central Province? They are all illegal. Mr. Speaker, if this is how we are going to run the primary elections, then there is bound to be some trouble. We hear of one branch being registered, other officials claiming this branch was not registered properly. We know that within the Kanu organization there is an organization called the sub-branch, there is the local branch and the national headquarters. In the national headquarters we have the National Executive Committee, a committee that should be running the party. Instead what do we find? We find an individual saying this, another individual saying that. Although we know that almost all people in this country are Kanu, we want our party to be organized properly. I would like to know from these national officials of Kanu whether they can tell us, today, how often they have met during the last year. How many times have they met during the last three or four years? Have there been any executive committee meetings? How can we claim that we are running a party when the machinery of the party has been broken; no executive committee, no national governing council, no conference, nothing. There are only individuals who, after getting together, start saying that they are Kanu officials, they are Kanu members, giving directives. It is not too late for the party officials at the national level to come out and try to organize Kanu as a mass movement as it is in the Kanu constitution and objects, instead of running Kanu as if it were a personal property.

[Mr. Kibuga]

Mr. Speaker, Sir, having said this, I hope they will take it up, especially as we are having a Kanu Parliamentary Group meeting tomorrow. I am sure that Mr. Wasonga Sijeyo is laughing because he defeated Kanu, but we know it is the national officials of Kanu who are to blame for being—I do not know what they are. They do not know what they are doing.

Mr. Speaker, Sir, when we come to the educational policy of this country, I have something to say. We are now in 1969, about six years since we achieved independence; but if we look around at our educational policy in this country, it is still very colonial. We said when the British colonial power was here that we did not want discrimination in the country; we want integration. Instead, what do we find today? Although the colonial power has moved out and we are now independent, you find African children being discriminated against, one against the other. Some children go to the *Harambee* schools and pay a colossal amount of money and their parents are poor; others go to very good schools with very cheap fees and their fathers can afford to pay. We know it is not possible to get education for everybody in the country, and even if we try to be fair there will still be some children who will not manage to get a proper education. When we find some schools are enjoying paradise facilities, whereas other schools in the country are forgotten, then we feel there is something wrong here. It is up to the African Government to see to it that we did not get rid of the colonial power so as to come to our own power which would discriminate.

I know when the President was making his Presidential Speech he said he welcomed constructive criticism, but he also said it is true that he would not like to see baseless criticism levelled against some people, and that is right. If we are to say that most of us were elected on Kanu tickets—the Ministers were elected on Kanu tickets, the Back-benchers were elected on Kanu tickets—then if the Ministers are wrong they should be criticized and they should be put right in what they are doing.

An hon. Member: Where are they?

Mr. Kibuga: They are not here. I think they have already handed over before 1970 has even come. I think they accept this one.

Mr. Speaker, Sir, I see that my time is running very fast, but I would like to say something about the Speaker of the National Assembly. I think we should be very proud that within the period we have been here we have managed to get a Speaker

who can guide this House and give it dignity. We are also happy that the Government has come, at last, to appreciate that the Speaker is the spokesman of the National Assembly. Previously, I think the Government thought that because So-and-so was the Leader of Government Business or was a senior Minister, he thought he could control the business of this House in any way he liked. I am especially happy with the last Communication from the Chair in which he objected to the last Kanu Parliamentary Group's decision on the business of this House.

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

Mr. Mbai: Mr. Speaker, Sir, I also stand to welcome the speech of the President, which I think was a very good policy statement, and I wonder why some Members whom we have heard speaking in this House say that he did not say what the Government has accomplished in the last six years. That, in my opinion, is displaying their ignorance of what a policy statement should be. It is not for the President to come here one morning and explain what every doctor in the country has done when he has injected somebody; it is not for him to say that such-and-such an agricultural officer has done this; such-and-such a department has done this, because it would take us forever more to enumerate all the achievements that the Kanu Government has made in the last six years.

Mr. Speaker, I remember at a similar time last year I stood up in this House and I castigated the Provincial Commissioner Eastern Province for a statement that I had seen in the Press stating that the Meru people drink too much, which I did not think was the case. I felt that he was not doing justice to the Meru people as the Provincial Commissioner in charge of those people. Mr. Speaker, today I stand to congratulate the same man, the Provincial Commissioner for Eastern Province, for what he has done for the same people. It is only two months ago, Mr. Speaker, when you must have read in the Press that under his leadership the people of Meru town, with the assistance of people of Eastern Province and the rest of Meru, collected over Sh. 1 million to build Chogoria Hospital. I thought that was a very fine act on the part of the Provincial Commissioner, and I thank him very much indeed. I also wish to thank the Government in general for co-operating in this project which I think is a very important one in an area which we have always thought has been neglected in development as compared with other areas. You will remember, Mr. Speaker, that the President donated, to Chogoria Hospital, Sh. 300,000. This was an unprecedented gesture.

[Mr. Mbai]

and I would like to thank him too. I would also like to take this opportunity of thanking the other benefactors of this project and particularly the churches in Germany and the people of this place. I hope that this kind of spirit will continue between the people, the Administration and us the politicians.

Mr. Speaker, in connexion with this I would like, just briefly, to mention that the Chogoria area of Meru is situated in a very bad place communications-wise. I have stated in this House on more than one occasion that I cannot go home when it rains and that is because there are no roads going to that place—there is no way of getting there—and there are no telephones. Considering that this area has produced a very large percentage of the agricultural produce of this country, this is a shame, and I hope that with this new project the Government will see its way to building an all-weather road, that is the Embu-Meru road.

Mr. Speaker, I go on to another point which I have noticed for quite a while which has not attracted the same attention from Government as it has attracted from me. I refer to the health services of this country. I think somebody has said in the past that you cannot have a healthy mind without a healthy body. I think sometimes we tend to lay emphasis in our Government on the wrong things. I happen to think that the two most important things in any people are, firstly, to have an adequate amount of food to eat—and for that I am glad that the Government gives enough emphasis to agriculture—and, secondly, to have proper health services. Most people want, first of all, to be healthy and to have a full stomach and then they think of other things. I think we spend too much in this country, for example, on education; educating people whom we cannot feed and for whom we cannot find jobs—people with whom we cannot do anything. We should lay our emphasis on providing food and proper health services. In this connexion, Mr. Speaker, I would say—and many hon. Members would agree with me—that many self-help projects in this country have included health centres. Health centres are built on a self-help basis and the medicine is supposed to be provided by the local authorities or the county councils. Most county councils do not have enough money either to staff these health centres or to buy enough medicine. Therefore, all this effort and money is wasted. I think it is just a question of wrong planning at the top; we do not give the proper priority to our health services. One only needs to go to the district hospitals to see how many people queue up there. It is true

that we do not have enough doctors; but surely, if we really wanted to give the proper health to our people, that would not be an excuse because doctors can be recruited from overseas; it is just a question of not caring whether some people whom we do not see with our eyes are healthy. I feel, Mr. Speaker, in the next budget, the Government should bring a bigger appropriation for the Ministry of Health even, if necessary, curtailing the expenditure of other Ministries.

Mr. Speaker, I would like to mention briefly something about commercial schools. It has been brought to my attention that some schools in Nairobi—and in the outlying areas—people have started commercial schools; some are secondary schools, some typing schools, etc. I understand that in many of these the students who go there, and who pay exorbitant amounts of money, are not provided with the necessary equipment or education. In many cases, good students who leave these schools are not able to be employed or be useful citizens. I feel this is the responsibility of the Minister for Education and he should come up and inspect these places and not grant licences to anybody unless the Ministry is satisfied that these people provide the right kind of course and they have got the right kind of equipment.

Mr. Speaker, the other point I have is concerning the *Harambee* secondary schools. I have noticed lately, and I am a victim of this, that we continue to build and finance more and more *Harambee* secondary schools. People are spending a lot of money and effort to build schools, and when they are completed they cannot get proper teachers and the students cannot get the necessary money and, as a result, the students who come out of these places do not do at all well in the schools. As a result these people cannot get employment. What is happening now, as we start getting the first people out of these *Harambee* secondary schools who have not done so well, is that the fathers who had the spirit at the beginning are now losing interest in the *Harambee* schools. It would be a very great shame, Mr. Speaker, for something that started with such a good spirit to come to an end after so much effort. My feeling is that we should at this juncture stop registering any new schools and try to encourage people to consolidate the ones they have.

Mr. Speaker, I also mention something here which is in connexion with a Motion I moved here last year, that is about the division of Meru District. I still feel that there are still districts in this country—provinces—which are unwieldy, and it is not good for our Government to be afraid of doing something when they know it is right. If we feel that a district is too big or too small, or a

[**Mr. Mbai**]

province is too big or too small, it is for our Government to take courage and take the necessary action so that the people who want to work and live together can stay together.

Mr. Speaker, I remember I was answered in this Motion by the Minister for Local Government and he said that a commission would be appointed to review the boundaries of both districts and provinces, but so far I have not heard anything. I would like to urge the Government to do this as soon as possible for I can say, at least in Meru, we are waiting very anxiously as we want two districts there.

Thank you very much, Mr. Speaker.

Mr. Omweri: Mr. Speaker, Sir, first of all I wish to join my friends in congratulating the President for delivering his speech here during the State Opening of Parliament and on the contents, development-wise, which were included in this speech.

Mr. Speaker, Sir, development-wise one big point we would like to show to the Government is that it should not—as the hon. Muliro said—concentrate on a few areas, and these few areas are the urban areas where you find that every place is catered for. However, in the rural areas they are left uncatered for and, therefore, this creates a swarm of people coming around to look for jobs. This planning should be done properly so that each area has a few places to cater for the employment. Mr. Speaker, industrially, if we are to develop our agricultural industries, we should create these processing industries up-country and not in Nairobi. For example, there is no need to have a flour mill in Nairobi when we know very well that maize is produced up-country; we should have these flour mills up there so that we can have the processing industries offering jobs to job-seekers right up in the areas from where they come.

Mr. Speaker, Sir, this is the same with other products as well, which find their major plants in the bigger towns, whereas the production is actually done in the rural areas and should be catered for by the producing industry in those places.

One thing about this development, Sir, is the question of efficiency. In this particular case, Mr. Speaker, I want to draw the attention of the Government to the fact that in industries—particularly in those industries in which there is Government participation—we would like to see some efficiency. An example we have is the Chemelil Sugar Factory—nobody wants to buy sugar from there because it is poorly processed;

it is brown sugar yet it is meant to be white sugar. This is because of a lack of efficiency and we would like the Government to make sure that where Government is interested proper service is rendered and therefore more efficiency is there and profit is made. If we make a poor job of producing our requirements, nobody will like to buy them even though we mount a “Buy-Kenya Campaign” because we will not succeed. The thing to do is produce proper, serviceable goods so that they can sell themselves rather than by a big campaign.

Mr. Speaker, I feel this is a thing to which the Government has not paid much attention, and I would like to ask the Government to make sure that proper efficiency is encouraged where we establish our own industries.

The President, Mr. Speaker, referred to technological advancement in the country, which is most welcome; and I agree with him that Kenya is moving in the right direction. There is one point to which I totally object as far as this technological advancement is concerned, and that is where this development is creating unemployment, like the computerization of services. This I totally reject and I would ask our Government to make sure that computers are not introduced at the expense of our own labour force. Mr. Speaker, we have, in the country, some services which have been introduced—like in the banks—where they have accounting computers, which have enabled the banking firms to more or less do away with the School Certificate holders, while two or three years ago they used to enrol most of them. It is a wrong technological advancement, when we have the labour force to do the services, to replace them by machines. Here again, one disadvantage is that these machines are not made here and, therefore, there is a loss of foreign exchange. We would like to use our money in other ways rather than on things which are creating more problems. This is our suggestion so that we can at least create more jobs rather than create unemployment.

Mr. Speaker, Sir, on education many Members have spoken; they have spoken on the policy but I would like to comment on the practical part of it. I think in certain cases the policy is not at fault. What is at fault is the way our educational policy is being executed. Mr. Speaker, Sir, take the Certificate of Primary Education for example. This House has experienced a lot of nasty feelings from hon. Members over the way in which the Certificate of Primary Education was handled last year. This is not because of a wrong policy but is because the people who have been put there, are doing a poor job, and it is high time

[Mr. Omweri]

that the Government looked at these officers to see if they are the right people or not. I feel the educational problems are being increased by the people in the Ministry rather than by the policy itself, and I would like to call on the Government to see that this year's Certificate of Primary Education results are not as confusing as they were the previous year. I would even suggest further that if it is possible the Government should not use the machine, which produced very misleading results, to mark the examination this year. Instead, we should revert to the old system where human force is used to do the marking, rather than set the machines up and all we see is the wrong results.

Mr. Speaker, Sir, the results of the School Certificate are the same, and I think one hon. Member referred to this. When we invited headmasters of senior secondary schools to come and select Form V students, they found there was nobody to tell them where the results were, or where the list of the students to be selected was. This indicates there is inefficiency somewhere. Nobody is interested in correcting this. The Government must be told that the people responsible should be warned so that they can plan ahead and when the next lot of headmasters incur public money to come and stay in Nairobi for three or four days instead of a few hours to finalize what they want, these people must be made to realize that this is costing the public more money than we can afford. This money could be utilized in other ways.

Mr. Speaker, Sir, one other point which I feel is connected with education is the University here. Earlier this year the country heard a lot of complaints and there was a halt to learning because the Ministry and the Administration of the University could not come to terms and we feel that the Government should find the reason why this happened. Claims of freedom of learning which means Government does come down and restrict the learning and other information or policies, is not what this House wants. What we would like to see is that an institution like the University should have enough freedom so that the students can make a choice of what Kenya is going to be. They are the people who are going to be the leaders of tomorrow. Mr. Speaker, we feel that the problem we have now is being created by ourselves rather than by the people in the countryside.

Mr. Speaker, one point which I would like to ask the Government is about the banning of foreign papers or publications. Mr. Speaker, recently there have been a lot of prosecutions of

our people, and I think it is high time this House called upon the Government to review this position and see if it is right to continue prosecuting people for handling these papers whereas the Government knew very well when these publications were coming into the country. There is no point in allowing the papers to come here and then start prosecuting the people having them. It is better to ban the importation of the papers, or make an amnesty whereby those people who had these papers before they were banned would surrender them to some Government officers, rather than their being prosecuted indiscriminately.

Mr. Speaker, Sir, I beg to support.

Mr. Onsando: On a point of order, Mr. Speaker, I am wondering if the House has a quorum?

The Speaker (Mr. Slade): Do you actually object to the lack of quorum, Mr. Onsando, because I only have to take action if a Member objects? I should explain to hon. Members that usually, when a Member draws attention to the lack of quorum, I assume he is objecting to continuing without it. Under the Constitution the Speaker is only required to take action if a Member actually objects, I just wanted to make sure you did.

Mr. Onsando: I will withdraw.

The Speaker (Mr. Slade): I think we can continue then.

Mr. Kamuren: Mr. Speaker, Sir, I am standing also to join my colleagues, the Members of this House, in welcoming the President's Speech which he made during the State Opening of Parliament. I would like to make quite a few points very clear.

Mr. Speaker, this is a country which is known as an agricultural country and there are many things confronting the people of this country which they would have liked to hear mentioned by the President during the opening of Parliament.

One point, Mr. Speaker, which I would like to elaborate on is about Agricultural Development Corporation farms in this country. These farms, Mr. Speaker, are bought by the Agricultural Development Corporation and then lease them out to Africans who start, of course, from scratch. Mr. Speaker, the period of the lease is very limited and after a while the Africans taking over some of these farms find that the leases elapse and they have no money to buy them, and then the Agricultural Development Corporation go in again and demand the land in order to hand it over to another person again. This, Mr.

[Mr. Kamuren]

Speaker, has caused a lot of embarrassment to some of our Africans. You find some of these Agricultural Development Corporation farms, Mr. Speaker, become so expensive that when one goes to an individual farmer and buys a farm on the basis of willing-seller and willing-buyer, they then face stiff difficulties. If the Government, Mr. Speaker, could go into this, and inform the people of this country in what direction they are being sent so far as these farms are concerned, then things would be easy. Some of our people have been concentrating, Mr. Speaker, on buying some of the big farms through the Agricultural Settlement Trustees. The Agricultural Settlement Trustees lease farms after half of the lease-money has been paid. The buyer is given forms to fill in, which he then sends to Agricultural Finance Corporation, and then he is allowed to buy whatever property is there on the farm. You find at the moment that this is going to cease to exist, this will be from the 30th June 1969. The Settlement Trustees are then going to hand over all responsibilities to Lands Limited. If this is correct, Mr. Speaker, then some of the big shots in Lands Limited—which is supported by the Agricultural Development Corporation—are only going to consider their own friends, especially during the interview, to take over the farms which are to be leased to our people.

I would like to ask the Government, Mr. Speaker, to do a fair distribution especially when farms are advertised in the former European settled areas.

I would now like to come to another point, Mr. Speaker, about the Teachers' Service Commission. Teachers thought that the Teachers' Service Commission—when it was formed—was going to be very efficient compared to the former organization. At the moment the inefficiency in this commission, Mr. Speaker, is in the posting of teachers. Teachers are posted by the Ministry or by the commission, and they do not reach the schools where they are supposed to be teaching in time. This should be done during the holidays so that by January, in time for the opening of the first term, they are in their own schools. You find that some schools do not receive their teachers until the second or third terms. This is because of inefficiency. Nobody checks this at the Ministry or the provincial level, and even some of the education officers with the county councils do not send in reports to the Ministry—nobody is efficient enough to find out what is happening.

With regard to school equipment, as has already been mentioned by some of my colleagues, you find that some of the equipment reaches the schools in the third term, while it is very impor-

tant, Mr. Speaker, that the equipment reaches the schools in time. At the moment, it is very difficult to get employment for some of our Division II or Division III School Certificate boys in this country. Some of them would like to study hard but when they do not receive the books in time, they fail to pass in grades that can enable them to obtain good employment.

I would like to ask the Ministry of Education, or the Government, to see that the school equipment reaches the schools in time.

Coming now to the water projects in the rural areas, Mr. Speaker. You find that some Motions have been tabled in this House right from 1963 to 1967. Members have been urging the Government to concentrate on the lesser developed areas which were neglected by the Colonial Government. This, Mr. Speaker, has not been done. You find some of the developments are only done in some of the urban areas where already the Europeans had lived, putting in a lot of money and doing some good work for the people in those areas. We want to see that people from Turkana, some parts of the Eastern Province, Pokot and some parts of Samburu enjoy the benefits of *Uhuru*. If, Mr. Speaker, these people cannot enjoy these, how can we expect to get together for the development of our people in this country?

Mr. Speaker, I would like to see the Government going into this in an endeavour to see that some development is done in those areas.

With regard to promotions, Mr. Speaker, in this country where the word "tribalism" lies is just because of promotion. Normally when you hear that somebody has been promoted, you hear he comes from one section, and then another tribe keeps on waiting; then another person is promoted in the private sector and you hear he comes from one section. If this, Mr. Speaker, could be killed by this Government, then I am sure there would be no problem with Members here, and there would be no problem with the public, and I am sure the word "tribalism" would be killed and done away with very soon. If this still continues, Mr. Speaker, then you will find it very difficult. For example, Mr. Speaker, sometime in February this year, when some School Certificate boys were called to attend an interview at Lanet—these boys were supposed to join the Kenya Army as cadets if they passed the interview. To my surprise, there were 40 Kalenjin boys who had passed their School Certificate in either Division I, Division II or Division III. Mr. Speaker, not one of these boys passed the interview and were allowed to enter the Kenya Army. When I asked the boys about this, they

[Mr. Kamuren]

said the interview was very queer, and that one stands and is told—this is after he has been checked—that everything is all right but his posture shows that one part of his shoulder is up a little and the other one lower. Mr. Speaker, no human being has been created where you have one shoulder up and one down. I wonder why not one of these Kalenjin boys qualified? I think the Member for Laikipia should give me time to speak.

Mr. Speaker, Sir, this is very serious because people see and people learn. There is not one of us who expects to work without making mistakes. We are subject to errors as human beings; but when we make a mistake we must make sure that we correct that mistake in the eyes of the public as soon as possible. If the Government could find another place for some of these boys so that they are not left loitering in the countryside, I think this would possibly give us pleasure.

I come now to one point which has been raised in this House, and this, Mr. Speaker, is about Eldoret textiles. It was raised by the Member for Uasin Gishu North some time back, and the Minister for Commerce and Industry promised that a factory was going to be built by April.

Mr. Speaker, I remember I was interrupted at the beginning by an hon. Member. Could I be given some extra time.

The Speaker (Mr. Slade): You can have another minute.

Mr. Kamuren: Thank you, Mr. Speaker.

This House was assured by the Minister for Commerce and Industry that it was assigned to be built by February 1969. What is happening is that there is a tug-of-war in the Ministry, caused by certain individuals who want this textile factory to go to another place. May I ask the Minister, Mr. Speaker, to stand on his feet—the Minister himself, because he enjoys the confidence of the people in this country. He should make sure that this textile factory is built in Eldoret as he promised.

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

ADJOURNMENT

The Speaker (Mr. Slade): It is time for the interruption of business, so the House is now adjourned until tomorrow, the 27th May, at 2.30 p.m.

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

Tuesday, 27th May 1969

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:—

Statistical Abstract 1968.

(*By the Assistant Minister for Lands and Settlement (Mr. Malinda) on behalf of the Minister for Economic Planning and Development (Mr. Mboya)*)

Cotton Lint and Seed Marketing Board—14th Annual Report and Accounts for the year ended 31st October 1968.

(*By the Assistant Minister for Agriculture (Mr. Murgor)*)

E.A. Customs and Excise Annual Trade Report of Tanzania, Uganda and Kenya for the year ended 31st December 1968.

(*By the Assistant Minister for Commerce and Industry (Mr. ole Oloitipiti)*)

Mines and Geological Department—Annual Report 1967.

(*By the Assistant Minister for Lands and Settlement (Mr. Malinda) on behalf of the Minister for Natural Resources (Mr. Nyagah)*)

NOTICE OF MOTIONS**LOCAL AUTHORITIES AND EDUCATION**

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

THAT, while appreciating the most excellent efforts being undertaken by the Minister for Local Government to save the local authorities from collapsing financially, this House recommends that the Education Vote in all local authorities be kept under a separate vote in order to save education from becoming the victim of any local financial embarrassment.

CULTIVATION OF MACADAMIA NUT TREE SEEDLINGS

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

THAT, in view of the fact that the Government has accepted the macadamia nut as another paying cash crop to be introduced into this country and again considering the fact that

one farmer on the Thika road is holding the entire monopoly of growing the seedlings of this cash crop and also noting that he sells one seedling very expensively because of this monopoly, this House calls upon the Government to allow and encourage the co-operatives and any other farmers interested in growing these seedlings to do so, in order to eliminate the monopoly by this one farmer and to reduce the selling price by competition between these farmers.

SELECT COMMITTEE: OPERATION OF THE RENT CONTROL ACT

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

THAT, in view of the present discriminatory attitudes being practised by some landlords throughout the Republic against Africans either by denying them the opportunity of renting premises or by demanding exorbitant rents, this House resolves to appoint a select committee to inquire into these prevalent malpractices and to make recommendations to the House as to restricting the demand of exorbitant rents, and as to possible amendment of the existing Trade Licensing Act, the Rent Restriction Act, and any other relevant law.

FINANCIAL AND EDUCATIONAL ASSISTANCE FOR NORTH-EASTERN PROVINCE

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

THAT, in view of the fact that the people of Northern Kenya have suffered great loss both at the hands of Government and those of shifta through the three years of the shifta menace, which made everybody in that area very poor, this House urges the Government—

- (a) to give the county council enough aid and grant, so that poor families could be remitted from tax paying; and
- (b) to give free education to primary scholars for a few years so as to decrease the families' burden.

REVIEW OF AGRICULTURAL PRICE STRUCTURE

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

THAT, in view of changed circumstances, and in realization of the part played by agriculture in our economy, this House requests the Government to review the price structure for agricultural produce with a view to giving a fair return to the farmers.

ORAL ANSWERS TO QUESTIONS

Question No. 72

PROGRESS OF UYOMA WATER SUPPLY PROJECT

Mr. Ondiek-Chillo asked the Minister for Agriculture if he would tell the House what was the progress of the Uyoma water supply project.

The Assistant Minister for Agriculture (Mr. J. M. Kariuki): Mr. Speaker, Sir, I beg to reply. The Government is looking for finance to implement the Uyoma water supply. I would like to inform the hon. Member that the amount of funds required to implement the Uyoma water supply is about £100,000. This, in fact, depends on the success of the negotiations which are going on at the moment between the Kenya Government and a foreign Government.

Mr. Ondiek-Chillo: Arising from that answer, Mr. Speaker, could I know from the Assistant Minister as to why the negotiations he has actually mentioned, have been the cause of delay because the Uyoma people have been contributing towards this scheme from as far back as 1963? This was before independence. Why has Government not been very keen about this project?

Mr. J. M. Kariuki: The Government is very keen on the project. The Government is looking into all projects in the Republic and not only the Uyoma water supply self-help project. However, I wish to assure the hon. Member that the negotiations have by now taken place and we are only waiting for an answer from the Swedish Government and then the agreement will be signed, after which, the Uyoma people will be informed.

In fact, Mr. Speaker, the Uyoma people are well informed because they came to my Ministry and I have explained to them the position and they are quite happy.

Question No. 77

RE-ELECTION OF MAYORS AND COUNTY CHAIRMAN

Mr. Lenayiarra asked the Minister for Local Government if he would tell the House, if the Minister would consider amending the provision in the Local Government Act 1968, which prohibited mayors and chairmen from being eligible for re-election as mayors and chairmen.

The Assistant Minister for Local Government (Mr. Njiiri): Mr. Speaker, Sir, I beg to reply. No, Sir, I will not consider amending the two-year term of service of mayors and chairmen which was introduced only last year by Parliament.

Mr. Lenayiarra: Mr. Speaker, Sir, arising from that answer, is the Assistant Minister not willing to agree that it is very undemocratic and very unfair to deny the mayors and chairmen the right of being re-elected by the people if they are so liked by the people?

Mr. Njiiri: Mr. Speaker, Sir, we came here last year and at that time this Parliament passed that provision. The reason was because one person could be chairman of the county council for 10 or 15 years. We felt that other people should also have a chance.

Mr. Wario: Mr. Speaker, Sir, arising from one of the replies by the Assistant Minister and since we all know that a Member of Parliament can be re-elected even five or six times to come to Parliament, and since to be a mayor or chairman of the county is the same as being a Member of Parliament, in that both of them have to be elected by the people, will the Assistant Minister not agree with me that the Ministry should bring an amendment to give the mayor and chairman the chance to be re-elected if the people so want?

Mr. Njiiri: Mr. Speaker, Sir, I think hon. Members should know that a Member of Parliament is elected by the masses but the chairman of each county council is elected by the council itself. There is a big difference.

Mr. Kago: Mr. Speaker, Sir, would the Assistant Minister agree with me that, really, there is a need for amending this part of the Local Government Regulations because, as it is known, this was only brought in to fight the mayor of this city, and since that man is no longer there, there is no need for that—

Mr. Khaoya: On a point of order, Mr. Speaker, the hon. Member speaking says that the law which relates to restricting the person holding the post of mayor to two years was only passed by this House to fight the Mayor of Nairobi City. Can he substantiate that?

The Speaker (Mr. Slade): I am sure he cannot. He is expressing a rather doubtful opinion, I think.

Would you continue, Mr. Kago.

Mr. Kago: Mr. Speaker, I said that according to my opinion and findings this law was only suggested to forbid the then Mayor of the City of Nairobi from being re-elected again because he had already been re-elected several times. Now that he is not on the list for this kind of job, would the Assistant Minister not agree with me that now there is no need for the clause?

Mr. Njiiri: No, Mr. Speaker. When my Ministry is there it has to care for every county council and township.

Question No. 78

ANNUAL GRANTS FOR LOCAL AUTHORITIES

Mr. Lenayiarra asked the Minister for Local Government if he would tell the House if the Minister was aware that some local authorities had not yet received all or part of their 1968 annual grants from the Government.

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

All but 14 local authorities have been paid the 1968 Government grants in full, and the remaining 14 have had some payments on account.

Due to a shortfall of funds available to this Ministry, it has been necessary to ration the grants and to restrict payments to those local authorities experiencing an actual cash shortage.

Mr. Lenayiarra: Mr. Speaker, Sir, arising from that answer, is the Assistant Minister not aware that some county councils are now experiencing financial difficulties and are in fact, unable to support the many services which they are supposed to supply because, in their estimates, they were informed, in advance, by the Ministry that they were going to be given so much, and so they promised to give more services, and now they cannot carry on with this because they are not getting the money?

Mr. Munoko: Mr. Speaker, Sir, I have already, in my previous answer, said that the grants payable to the local authorities have not been paid in full to 14 local authorities. This is due to the fact that no funds have been made available to my Ministry in order to meet all the grants in full.

Mr. ole Lemein: Mr. Speaker, Sir, arising from the Assistant Minister's reply, how long does this grant remain without being approved by his Ministry? Some time they delay and thus stop the whole work of the county councils. How long do the grants remain without the Ministry's approval?

Mr. Munoko: Mr. Speaker, I am not quite sure what the hon. Member wants to know. Therefore, I am unable to give him a reply.

Mr. Mbogoh: Mr. Speaker, arising from that reply, would the Assistant Minister assure this House that those county councils which did not get their grants in full will be given priority in the coming year so that they will be able to complete the projects that they were not able to complete last year?

Mr. Munoko: Mr. Speaker, as soon as we have funds made available by the Treasury, we will be able to meet the grants as the Member suggested.

Question No. 67

TARMACKING OF MAZERAS-KALOLENI ROAD

Mr. Mwatsama asked the Minister for Works if he would tell the House, since Rabai was a historical place and since there were over 5,000 tourists who had visited the place, what the Minister was doing to see that the road between Mazeras and Kaloleni was tarmacked.

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

It is not clear from the hon. Member's statement, over what period the 5,000 tourists have visited Rabai. In fact, I am wondering whether it was from the time the first Arabs arrived!

My Ministry has not been informed by the Ministry responsible for tourism that the Mazeras-Kaloleni Road should be included in the tourist road priorities. However, I have in the past (June 1968) informed the Member for Kilifi North, in reply to his National Assembly Question No. 621, and the Member for Mombasa West, in reply to his National Assembly Question No. 638, that the Mazeras-Kaloleni Road has been included in the draft road development programme 1968/73 priorities for the Coast Province.

This is still the case, Mr. Speaker.

Mr. Mwatsama: Mr. Speaker, since this figure is on the record of the Visitor's Book in the St. John's Church, Rabai, of 5,000 tourists, could the Assistant Minister now consider giving money to tarmac this road as soon as possible?

Mr. Bomett: Mr. Speaker, Sir, I have said that this road is in the Development Plan for 1968/73. This has not been influenced by the number of tourists. In fact, it is a road needed by the people for other purposes.

Question No. 71

NEGLECT OF KUSA-NYABONDO ROAD

Mr. Ondiek-Chillo asked the Minister for Works if he would tell the House why the Kusa-Nyabondo-Sondu Road was being maintained half-way from Sondu to the end of Nyabondo plateau, but the rest of that road was neglected.

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

Presumably the hon. Member is referring to the two roads, from Kusa to Nyabondo and from Nyabondo to Sondu which are minor roads C.4017 and C.441 respectively.

Both these roads are minor roads which are supposed to be maintained by the Kisumu County Council from that county council's own financial

[**Mr. Bomett**]

resources, and all I can say is that I have written to the county council concerned to maintain the full length of the road from Kusa to Sondu, and I hope that they will take the necessary action.

Mr. Ondiek-Chillo: Arising from that answer Mr. Speaker, can the Assistant Minister tell me what happened about the recommendation of the Kisumu Commission which recommended that this road should be taken over by the Central Government to be maintained as a secondary road? What was the outcome of that recommendation?

Mr. Bomett: Mr. Speaker, Sir, the Government is, at present, reviewing the secondary roads in the country, but we do not touch the minor roads at all which are the responsibility of the county councils.

The Speaker (Mr. Slade): Next question.

Question No. 11

ELECTRICITY SUPPLIES FOR HAMISI

Mr. Godia asked the Minister for Power and Communications if the Minister was doing anything to effect a network of electricity in Hamisi.

Mr. Ondiek-Chillo: On a point of order, Sir, I think the Minister did not actually get what I asked, could I seek your guidance as to what I can do because I asked what had been the outcome of the commission's report, not about the secondary roads in general.

The Speaker (Mr. Slade): That happens sometimes Mr. Chillo, but we have gone on now.

Would you ask your question again, Mr. Godia?

Question No. 11

ELECTRICITY SUPPLIES FOR HAMISI

Mr. Godia asked the Minister for Power and Communications if the Minister was doing anything to effect a network of electricity in Hamisi.

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

The cost of tapping the high voltage line which passes some four miles from Hamisi would be in the order of £1,000 while a branch line would cost another £3,000. Local distribution network would cost a further £1,000, and so the total capital expenditure would be to the order of £5,000.

If the prospective consumers are prepared to guarantee a certain level of consumption per annum to justify this high capital cost, they

should apply to the East African Power and Lighting Company for connexion. Details of the terms of connexion would have to be agreed between the two parties involved.

As pointed out in replies to Question Numbers 556 of 1967 and 250 of 1968, by the hon. Member who has asked this same question again, the potential consumers should submit their applications to the Power Company for consideration and an assessment of the demand.

Mr. Godia: Mr. Speaker, Sir, arising out of the reply by the Assistant Minister, is he not aware that applications from my constituents have already been submitted to his Ministry through his engineer in Kisumu, who has sent in a person to fix the wiring of some local houses and shops, and since that has taken place no further work has been carried out and the people do not have electricity?

Mr. Moss: I will investigate that.

Mr. Tsalwa: Mr. Speaker, Sir, arising from the reply from the Assistant Minister that the people residing in the Hamisi Constituency should have their names put down to facilitate the area to have electricity, is the Minister aware that one day the hon. Waira Kamau asked the same Ministry to install electricity at Githunguri and this was done without demands from the population who would use the electricity?

Mr. Moss: That is a sweeping allegation, Mr. Speaker, which the hon. Member cannot substantiate.

The Speaker (Mr. Slade): Can you substantiate that, Mr. Tsalwa?

Mr. Tsalwa: Yes, I can. Would the Minister deny the fact that there is electricity at Githunguri which was installed by the same department of the Ministry?

The Speaker (Mr. Slade): That does not prove that it was at the particular request of a particular Member.

Mr. Tsalwa: Well, there is electricity. I will defy him—

The Speaker (Mr. Slade): Mr. Tsalwa, you are being asked to substantiate that the electricity is there because one hon. Member, namely Mr. Kamau, demanded that it should be there. How do you know this?

Mr. Tsalwa: Well, Mr. Speaker, Sir, it is true that Mr. Waira Kamau demanded this and it was installed at that place, Githunguri, the former teachers' college, which was run by Mzee Jomo Kenyatta before he was arrested, and that is why he has earned his good name in the country.

The Speaker (Mr. Slade): Mr. Tsalwa, we must not lose very much time on this. When you are asked to substantiate I think you know that you are being asked to give your evidence. What is your evidence of this; how do you know this?

Mr. Tsalwa: Well, I would like the hon. Waira Kamau to deny this.

The Speaker (Mr. Slade): Order! You cannot substantiate in that way. If you cannot prove or give any evidence of what you are alleging, you have to withdraw and not waste the time of the House.

Mr. Tsalwa: I can substantiate that, Mr. Speaker, in a different way. Can I do that?

The Speaker (Mr. Slade): Yes.

Mr. Tsalwa: Mr. Speaker, I tabled a question here that electricity should be installed in various places from Sigalagala, Bukura, Mwiwila Hospital and Butere, and this is being done without demands by the population; the people who are going to use it.

The Speaker (Mr. Slade): Order! Mr. Tsalwa, if you cannot produce any substantiation you must withdraw what you have alleged and apologize for wasting the time of the House.

Mr. Tsalwa: Mr. Speaker, Sir, I did not actually intend to come into conflict with anyone in this House, but this is true, this is as it was.

The Speaker (Mr. Slade): Mr. Tsalwa, if you will not substantiate in spite of successive demands, you will have to leave this Chamber. You will do so for the rest of today's sitting.

Mr. Tsalwa: Mr. Speaker—

The Speaker (Mr. Slade): You will leave the Chamber.

Mr. Tsalwa: Well, I am going to say something.

The Speaker (Mr. Slade): You will leave the Chamber and say nothing. Serjeant-at-Arms.

(The hon. Member left the Chamber escorted by the Serjeant-at-Arms)

The Speaker (Mr. Slade): Next question.

Question No. 58

HOUSING AND DISMISSALS OF E.A.A. STEWARDESSES

Mr. Karungaru asked the Minister for Power and Communications if he would tell the House—

(a) why were the stewardesses working with the East African Airways Corporation not provided with houses or house allowances; and

(b) why was it that when flying stewardesses were pregnant, they got dismissed from the Corporation instead of being transferred to the ground stewardesses' duties.

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

The stewardesses, and indeed all single female employees of the Corporation, receive a house allowance to enable them to make their own housing arrangements.

It is not true that stewardesses are dismissed from the Corporation. However, a stewardess who becomes pregnant has to be removed from flying duties in the interests of her health. There is no reason why she should not be considered for a ground job, except that ground duties are different from that of stewardessing and would require additional training before she could become useful.

A ground hostess's job involves much standing and walking around for long hours on shift duties and this, according to doctor's advice, is not fair on the mother or the baby either.

Mr. Karungaru: Mr. Speaker, can the Assistant Minister tell this House how much, in figures, is being given to the stewardesses, and (b) what other type of work is alternatively provided for the stewardesses instead of ground stewardessing?

Mr. Moss: Mr. Speaker, Sir, we have different scales according to different jobs and, therefore, house allowances are paid according to the different scales. I am not, therefore, able to say how much any particular stewardess gets.

As regard (b): when a woman becomes pregnant—or a girl becomes pregnant—all that we do is give her leave and when she delivers she resumes her duties.

Mr. Ochwada: Mr. Speaker, Sir, is it true that air hostesses are supposed to be spinsters and not married women and, therefore, the question of their becoming pregnant does, in fact, break their contract with East African Airways?

Mr. Moss: Mr. Speaker, Sir, this is precisely why we relinquish them from their duties when they become pregnant because they are employed on the understanding that while flying they do not become pregnant.

Mr. Kago: Mr. Speaker, Sir, how would the Assistant Minister marry the two answers now, because just a few minutes ago he said that when these stewardesses become pregnant they are given leave, but he has now just said that they are not

[Mr. Kago]

meant to be pregnant when they are doing these things and so they relinquish them of their jobs, in other words, they terminate their employment? How can he marry up the two?

Mr. Moss: I married the second!

The Speaker (Mr. Slade): Next question.

Question No. 55

INDUSTRIAL UNREST OF THIKA

Mr. Karungaru asked the Minister for Labour what immediate measures was the Ministry undertaking to prevent further strikes in the Thika factories as a result of the go-slow strike operated by Thika Municipal Council employees on the wages demand which subsequently resulted in suspension of 102 council employees including union officials.

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

This question has been overtaken by events but it must be realized that there were no strikes in Thika factories at the time of the go-slow by the Thika Municipality employees. However, the trade dispute between the Thika Municipal Council employees and the Thika Municipal Council was settled by conciliation which included the question of the suspension of 102 council employees.

The issue was resolved by agreement between the union and the Thika Municipal Council when it was agreed that the employees were to be re-employed in phases.

Mr. Karungaru: Mr. Speaker, arising from that one, I am pleased to know that these employees have been re-employed in phases. Why was it not possible for these employees to be given their proper jobs that they were trained for before, because I just do not see any sense in re-employing them in phases?

Mr. Oselu-Nyalick: Mr. Speaker, Sir, I have just said that this was a settlement arrived at by the union officials and the municipal council, that these people were first of all suspended arising from the go-slow that they had, but, after discussions with the union officials, it was found necessary that the way to bring them back into employment would be by phases; that is a certain number should be employed at a time until the employment was full. I see no reason why the hon. Member is still panicking about this.

The Speaker (Mr. Slade): Next question.

Question No. 59

MISUSE OF COTU FUNDS

Mr. Munyi: Mr. Speaker, Sir, with your permission, I want to say something about this one. I meant, Mr. Speaker, the former Cotu officials because this Question was to be asked before the former Cotu officials were ousted. I would like to go back to the former Cotu officials.

The Speaker (Mr. Slade): Mr. Munyi, you must have given notice of your desire to renew this Question or it would not be on the Order Paper, but you can withdraw it now if you like.

Mr. Munyi: I am not going to withdraw, Mr. Speaker, but I will ask a supplementary.

The Speaker (Mr. Slade): You have to ask the Question.

Mr. Munyi asked the Minister for Labour what action the Minister was taking to investigate complaints by trade union organizations affiliated to Cotu that Cotu funds had been misused.

The Assistant Minister for Labour (Mr. Kubai): Mr. Speaker, Sir, I beg to give the following reply. My Ministry is not aware of any complaints about Cotu funds being misused. As and when necessary, Cotu has been advised to exercise economies as far as possible so as to make ends meet. Accounts of Cotu are checked by the Registrar of Trade Unions who would advise the Government of any misuse of Cotu funds at any time such misuse came about. If anyone has any specific cases of misuses of Cotu funds in mind, he is welcome to notify my Ministry or the Registrar of Trade Unions to facilitate further investigations and the rectifying of any abuse which may arise.

Mr. Munyi: Mr. Speaker, Sir, arising from that answer; and arising from the fact that a few months ago there were some trade union organizations which complained that Cotu money was being misused; and arising from the fact that this complaint had already been reported in newspapers, is the Assistant Minister ready to accept newspaper cuttings of some of the complaints—I can lay them on the Table—arising from the complaints which were given by various trade union organizations before the new leaders of Cotu were elected? That is a fact, Mr. Speaker, and the Assistant Minister is aware of that.

Mr. Kubai: Mr. Speaker, Sir, probably this was during the old reign which, until very recently, was in existence, and has now been replaced by popularly elected leaders. All we are trying to follow, is that if there is any new complaint, the Government will look into it.

The Speaker (Mr. Slade): Next question.

Question No. 10

DEVELOPMENT OF TOURISM IN KAKAMEGA

Mr. Godia asked the Minister for Tourism and Wildlife if he would tell the House, since Kakamega had a lot of tourist attractions in the Kakamega Forest, had the Minister done anything to encourage the development of tourism in the district.

The Assistant Minister for Tourism and Wildlife (Mr. Jan Mohamed): Mr. Speaker, Sir, I beg to reply. While I know about the birdlife and wonderful people in the Kakamega area, I do not know of all the other tourist attractions there.

However, tourists choose where to go and what to see in the countries which they visit. It is our responsibility, as a Government, assisted by the private sector, to publicize all the attractions that Kenya offers and subsequently to allow the visitors to choose where they would like to go. In this sense, Government has done something to advertise the attractions of the Kakamega area, not as a specific district, but as part of Western Kenya. The hon. Member will recall that last year the Government declared part of Mt. Elgon a national park, and with this extra, but very significant attraction, we hope to be able to attract more people to Western Kenya.

Our tourism has very largely been based upon wildlife attractions and with most visitors entering Kenya through Nairobi and Mombasa, Western and Northern areas of Kenya have not had as many visitors as in other areas. It is with a view to attracting more visitors to Western Kenya, that we opened the national park in Mt. Elgon. This extra attraction would also help us retain, in the area, visitors entering Kenya from Uganda.

When sufficient tourist traffic is generated, hotel and lodge development will no doubt take place. The development plan for the period 1969/74 is in its final stages of preparation, and it is our hope that during this period Western Kenya should have over 200 new beds. It is hoped that Kakamega would benefit in the process of this new development.

Mr. Godia: Mr. Speaker, Sir, since the Assistant Minister has dwelt mostly on Western Kenya, and also on the Elgon National Park, is he satisfied that he has now replied to my Question?

Mr. Jan Mohamed: Mr. Speaker, Sir, I am quite satisfied that I have replied to the Question, Mr. Speaker, the hon. Member should know that Kakamega, on its own, cannot provide a tourist attraction. Kakamega falls, of course, within a tourist circuit, and as I have said, when this western part of our country becomes more popular and there are more attractions to which

the Mt. Elgon Park is going to contribute very much, that will be the time when some development can be carried out.

Mr. Godia: Mr. Speaker, Sir, can the Assistant Minister tell the House what evidence he has to satisfy us that there is nothing in the Kakamega Forest that can attract tourists?

Mr. Jan Mohamed: Mr. Speaker, Sir, it is not for me, nor for the hon. Members, to say what is there in Kakamega Forest which can attract the tourists. It is for the tourists themselves; and, as I have said, I entirely agree that there is some good birdlife in that area, which would be very attractive. But just birdlife on its own will not provide sufficient tourist attraction, and that alone will not attract development.

Question No. 52

SENIOR WOMEN IN MINISTRY OF CO-OPERATIVES AND SOCIAL SERVICES

Mr. Munyi asked the Minister for Co-operatives and Social Services if he would tell the House whether there were any women holding responsible posts in that Ministry, and if there were, what posts they held.

The Assistant Minister for Co-operative and Social Services (Mr. Maisori-Itumbo): Mr. Speaker, Sir, I beg to reply. Yes there are women holding responsible posts in my Ministry as follows:—

One Senior Community Development Officer; one Senior Social Welfare Officer; eight Community Development Officers; one Social Welfare Officer; three Assistant Social Welfare Officers; and 12 Acting Community Development Officers.

Mr. Munyi: Mr. Speaker, Sir, arising from that answer, will the Assistant Minister agree with me that the Ministry of Social Services should give an example to other Ministries, so that they can also take that as an example in giving more responsible posts to women.

The Speaker (Mr. Slade): We are only concerned with Mr. Maisori's Ministry, and so is he.

Mr. Maisori-Itumbo: Mr. Speaker, Sir, I agree with the hon. Member that the women in this country have a responsibility to play a very important role in building our nation.

The Speaker (Mr. Speaker): Next question, Mr. arap Soi. Order! Mr. arap Soi.

Question No. 75

BOMET ADMINISTRATION LAND OWNERSHIP

Mr. Kimunai arap Soi asked the Minister of State to the President's Office if he would tell the House whether he was aware that the land

[Mr. Kimunai arap Soi]

at present occupied by the Administration at Bomet had not been paid for and that the owner, Mr. Kiplangat arap Chepkwony, was complaining of the delay.

The Assistant Minister for Lands and Settlement (Mr. Malinda): Mr. Speaker, Sir, on behalf of the Minister of State to the President's Office, I beg to reply.

I am not aware.

Mr. Kimunai arap Soi: Mr. Speaker, Sir, since the Assistant Minister is not aware, what steps is the Ministry taking to see that this is checked?

Mr. Malinda: Mr. Speaker, Sir, there is no necessity for the Ministry to take any steps, because the facts of the place are well known, and they are to the effect that Mr. Kiplangat never owned the piece of land the hon. Member is claiming that he used to own.

Mr. Kimunai arap Soi: Mr. Speaker, Sir, as the Assistant Minister, alleges that he is not aware that the land now occupied by the Administration belongs to Mr. Kiplangat arap Chepkwony, where did the administration get this land, and has the administration paid money for this land to anyone at any time?

Mr. Malinda: Mr. Speaker, Sir, this land on which Bomet Township is built was acquired by the then Government around 1939; and the records show that the necessary—

Mr. Kimunai arap Soi: On a point of order, Mr. Speaker, Sir, is the Assistant Minister in order to refer to the land I mean in this question as a township, when the administration has occupied a different piece of land from that of the township?

Hon. Members: He does not know.

The Speaker (Mr. Slade): If the land referred to by Mr. arap Soi has nothing to do with the land occupied by the township, then the answer which the Minister has given is clearly irrelevant. Perhaps there are some misunderstandings.

Mr. Malinda: Mr. Speaker, Sir, may I say that the land now occupied by the administration within Bomet area; the one to which the hon. Member is referring to was acquired by Government around 1939. The records show that all the necessary consultations with the local community took place and they consented to the acquisition of that land by the Government. Mr. Speaker, I would like to inform the hon. Member that all of that land which was then acquired for Government use was not immediately utilized. When Mr. Kiplangat

arap Chepkwony moved away from where he originally came from, a place called Chongong around 1937, he settled in this area. When the Government wanted to use his remaining piece of land, they moved Mr. Kiplangat away, I understand now he has a plot in the settlement schemes like all other landless people.

Question No. 76

VEHICLES FOR BOMET/KERICHO AGRICULTURE OFFICER

Mr. Kimunai arap Soi asked the Minister for Agriculture if he would tell the House why the Ministry had not provided a vehicle for the Divisional Agriculture Officer—Bomet/Kericho Districts.

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

The Ministry's allocation of vans or replacement of vehicles is far from adequate for providing every divisional officer with a vehicle. In areas where roads are reasonable, we thought of providing the officers with travelling allowances, so that they can use their motor-cars while on duty. That is the same with Bomet Division. When the roads are impassable, he can obtain a four-wheel drive Land-Rover from the District Assistant Officer, Kericho.

Mr. Speaker, Sir, may I take this opportunity to request the hon. Members and the House as a whole to vote for my Ministry's vote when it comes next time. It is not very far off, it is round the corner.

Mr. Kimunai arap Soi: Mr. Speaker, Sir, is the Assistant Minister aware that Bomet Division is in Kericho District which has the poorest road system, and that in the past the divisional officer had a Land-Rover, which was taken away from him in 1968? Could the Assistant Minister explain why this happened? As a result of this, many officers have been sitting in their offices instead of going out to help the people.

Mr. Murgor: Mr. Speaker, Sir, I agree that this Land-Rover was taken away in 1968; but this was because the vehicle could not give any further service, as it was more or less unserviceable.

Now I am requesting the hon. Members and I appeal to them to vote for my Ministry's vote, so that we can get a replacement vehicle.

Mr. J. K. arap Soi: The question here is about Bomet Division, not Bomet town. Bomet Division covers more than 800 square miles but has no roads. How do you expect your officers to work out there, and this time I understand you have come here for formalities to pass your Vote?

Mr. Murgor: Mr. Speaker, Sir, we have not sufficient funds at the moment to be able to replace the vehicles, but we have put this in the main estimates in the Budget which is coming. I am requesting hon. Members to support me in my Vote, so that it is passed, and then we will be able to supply a replacement vehicle.

Question No. 66

CONDITIONS AT KOMBENI HEALTH CENTRE

Mr. Mwatsama asked the Minister for Health if he would tell the House—

- (a) why Kombeni Health Centre had been without water for the past three months;
 (b) whether the Minister was aware that there was no public latrine up to the present time.

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

(a) Kombeni Health Centre was visited on 20th February 1969, to get first-hand information regarding the question of the water supply and toilet facilities at the centre.

This health centre is situated only a quarter of a mile from the Kombeni River. This is a permanent river. An engine pump was fixed by the river to pump water to two high-level tanks and from them, the water travels to the health centre by gravity.

The water is not treated and effective treatment is not feasible under these conditions. However, a slight sedimentation process takes place in one of the tanks. This water is most unsafe to drink without boiling, as the children who bath and swim in the river and villages along the river banks have no latrines. Hookworm and roundworm infections are endemic among the people in the area. When boiled, the water is relatively safe for drinking and the risk of helminthic infection is negligible after storage for 12 hours.

(b) There is no latrine built especially for the use of members of the public who come to the health centre for treatment. There are however, four latrines in one block for both male and female members of the staff. The public have access to these latrines.

The staff members would resent the use of their latrines by outpatients who might spoil them.

Mr. Mwatsama: Arising from one of the answers, and since the Assistant Minister agrees that the water from the Kombeni River is not safe for people to drink, is the Assistant Minister not aware that the Mazeras/Kilifi pipeline passes through Kombeni Health Centre and if so, what effort is he doing to tap water from this pipeline.

Mr. ole Konchellah: Mr. Speaker, Sir, mainly it is the duty of the Kilifi County Council to deal with the water facilities in this particular health centre and, in addition to that I have said, Mr. Speaker, Sir, the Provincial Medical Officer has said that the Kilifi County Council has written to the Ministry of Works requesting them to allow Kombeni Health Centre to have access to the water from Mzima Springs which passes through there and it is hoped that their request will be met favourably.

Question No. 80

KITUI HOSPITAL MATERNITY WARD

Mr. Munyasia asked the Minister for Health if he would tell the House—

- (a) whether he was aware that in Kitui District Hospital Maternity Ward, babies shared beds, and that mothers used their ordinary clothes to cover them;
 (b) if the answer was in the affirmative, why were they being charged K.Sh. 40.

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

(a) Except when a mother has twins, babies do not usually share beds in Kitui District Hospital Maternity Ward. The Ministry of Health is fully aware that that would be unhealthy.

It is not true mothers use their ordinary clothes to cover themselves when they are admitted into the maternity ward in Kitui District Hospital because the Ministry is satisfied that they are supplied with enough linen.

It is, however, the custom of that part of the country that mothers would always like to cover themselves with a *kanga* and so when they come to the hospital, they do not want to hand over their *kangas* for safe custody.

(b) In view of the above (b) does not arise.

Mr. Munyasia: Now, Mr. Speaker, Sir, in view of the fact that I am a member of the Hospital Visiting Committee appointed by the same Ministry, and it was on 14th April 1969, that we sat and I witnessed these scenes with my own eyes, how can the Minister deny that if they have appointed me to visit and see all these things?

Mr. ole Konchellah: Mr. Speaker, Sir, the information I have here is that there has been no complaint by the public whatsoever, known to the Ministry on point (a) to discuss about. It is also understood that the Visiting Committee of the Hospital has met regularly and the members of that committee were satisfied with the facilities available, and services provided in this ward.

[Mr. ole Konchellah]

It is also understood that the hon. Munyasia is a member of this committee and has met regularly the committee members and there has been no complaint ever sent to the Ministry.

Mr. Munyasia: Mr. Speaker, Sir, while I agree fully that I am one of the members of the Hospital Visiting Committee as the Minister indicated, and that since the Minister has said that the public has not complained, and that I being a representative of the people, and that is why I was appointed, who does the Assistant Minister expect complaints from, the servants or the persons elected by the public?

Mr. ole Konchellah: Mr. Speaker, Sir, when going through the minutes of a number of committee meetings held in Kitui Hospital, we did not come across any complaints of any sort. As the hon. Member has asked, and if we can get in writing from the committee which the hon. Member has mentioned, any complaints they have had then action will be taken.

Mr. Chirchir: Mr. Speaker, Sir, is the Assistant Minister prepared to go to Kitui to look at the facilities in the hospital as soon as possible, in order that he may find out whether the hon. Member is speaking the truth or not?

Mr. ole Konchellah: Mr. Speaker, Sir, there are programmes arranged to visit Kitui District Hospital just like any other district hospital in Kenya, and I would like to inform the hon. Member that we have a Provincial Commissioner, Provincial Medical Officer of Health and a District Medical Officer of Health who supply us with enough information on the facilities afforded. This does not mean that we do not visit the place and we do have plans for visiting the hospital.

Mr. Mwalwa: Mr. Speaker, Sir, arising from one of the Assistant Minister's replies, how does he reconcile the fact that a member of the Visiting Committee is giving him information regarding the complaints and, at the same time, he says that unless he hears from Visiting Committee members, he will not take action and yet he has now just heard from one of the committee members. How does he reconcile that?

Mr. ole Konchellah: Mr. Speaker, Sir, I would like to inform the hon. Member that each hospital has a file, and I have gone through these files and there is nothing there about these complaints; so if this matter has been discussed by the committee, nothing has been written in the minutes.

So if it is the feeling of the hon. Member from Kitui that this hospital should be visited, we will arrange for a visit and we will investigate these complaints.

The Speaker (Mr. Slade): We must go on now. I would remind hon. Members that on the Adjournment today, Mr. Mbogoh is to raise the matter noted on the Order Paper.

MOTION**THANKS FOR THE PRESIDENTIAL ADDRESS**

THAT, the thanks of this House be recorded for the exposition of public policy contained in His Excellency's Presidential Address from the Chair on 20th May 1969.

(The Vice-President and Minister for Home Affairs (Mr. arap Moi) on 21st May 1969)

(Resumption of debate interrupted on 26th May 1969) (Fourth Day)

Mr. Munyi: Thank you, very much, Mr. Speaker, Sir, for giving me the chance to say something concerning the Presidential Address. In fact, after having gone through the speech which was delivered by His Excellency the President of the Republic of Kenya, I came to the conclusion that the speech itself was timely. The speech was one which we have been waiting for a long time.

I come now to the contents of the speech which was delivered by the President and here I would like to make a few observations. The first one which I am going to make is to give a three-point plan on ways and means of trying to relieve our country from the menace of unemployment. With your permission, Sir, I would like to quote what is in our Kanu Manifesto. It is on page 22 where it says that immediately after our party comes into power, some actions are to be taken to see to it that responsibilities were to be given to the local people in the field of the industrial sector. However, for a very long time we have been speaking in this House and outside about the policy which is being pursued at present on industrial development, on industrial freedom. However, as far as the industries are concerned in our country, Sir, most of the industrial establishments are deliberately refusing to give responsible posts to the local people. All they do is just to say that such-and-such post has been Africanized, such-and-such post has been taken over by the local people. In reality, however, when you come to a number of companies you see an underground movement which is being conducted by some of the companies in this country. Thus you will come to the conclusion that they are only cheating our Government, they are not really fulfilling the Act which was passed in this House. It was agreed that before the expatriates or, let us say, most of the people working in foreign companies, before they are given licences, before they are given permits to work in this country, the

[Mr. Munyi]

companies must see to it that most of such posts do not have local people who can fill them or take over. I can give an example of one company, a company like Colgate. There is at present one man who is acting as general manager of that company. In reality that man was expelled from Tanzania. He was expelled from Tanzania as an undesirable immigrant. He then came to this country, and when he came here he was first employed as a storekeeper. At present, you will find that this man is working as acting general manager of that company.

We have people of high merit in this country; there are a good number of people who have already sat for the Cambridge School Certificate Examination, in the First or Second Division, but they are roaming about the streets. There are people who have degrees— It does not matter where they were trained because these people have the economic know-how of taking over the responsibilities of most of the posts which today are being occupied by expatriates. Mr. Speaker, saying that So-and-so was trained in the Eastern countries, or So-and-so was trained in the Western countries, this is a mistake. If a person was trained in an Eastern country and he has proved to be quite capable why not give him responsibilities? He is an African, a man who can take over the responsibility in our companies. So we do not see the reason why if you are trained in an Eastern country, or you are trained in America and then when you come back to your own country you should not follow the principle or policy of your own country. You should not be discriminated against because you were trained either in Yugoslavia, Russia, Germany or in the United States of America. This should not be the case because our country follows a non-aligned policy. People should not, therefore, be discriminated against but discrimination is apparent in the private sector. Sir, if you go to the University College you will be asked if you were trained in Germany or in such-and-such country. We have doctors who were trained in Bulgaria, Yugoslavia, Czechoslovakia and they are doing very well. These people have proved to be quite capable and they should not be discriminated against. They should not be allowed to roam the streets without being given employment. Our policy is one of non-alignment. I can even quote what is in the Kanu Manifesto. In one of the pages of this manifesto it says that our country will follow a non-aligned policy. This is what we want Kenya to do; this is what we want our companies to practise, in action, in deed, and not only to shout and say that they are going to do this and that.

To come to another point, Sir, with the permission of the House, I would like to give an example of what is going on in Kenya. I know of candidates from Embu who applied for certain jobs, they wanted to be cadets in the Kenya Air Force; they wanted to be cadets in the Kenya Army; they wanted to be cadets in the Kenya Navy, but nothing came of it. These candidates have high educational qualifications but not one of them was selected. This must be stopped because those who are trying to practise brotherization, those who are trying to practise tribalism are against what our President has been telling us, that we must eliminate tribalism, nepotism, in practical deeds. It is not a question merely of saying, "There is no tribalism. There is no brotherization. There is no discrimination" when, in deed, Mr. Speaker, there certainly is. Why should you discriminate against somebody because he comes from Embu? Why should you discriminate against somebody because he comes from Lamu? Why discriminate against somebody because he comes from Baringo? Why favour only the people from a few districts? This is extremely bad and we should condemn it strongly. It was only a month ago when the Attorney-General warned the officials of our country not to practise corruption. But there are people who say that this is not being followed; they act contrary to what they have been asked by our Government to do. This is not permissible.

With these few remarks, Mr. Speaker, Sir, I would like to appeal to everyone in this country, to all Ministers, to do something in accordance with the policy of our country so that the good name which our country has won, the prestige which our country has won abroad will continue to influence everyone abroad.

The Speaker (Mr. Slade): Order!

Mr. Munyi: Thank you, Sir, but the time was too short.

Mr. Tuwei: Mr. Speaker, Sir, we have come now to the Seventh Session of our First Parliament. This is the First Parliament and next year we will come to the Second Parliament. The policy which His Excellency the President read out in his speech, to sum up what has been done in the last 12 months, I regret to say did not cover everything as each and every one of us thinks.

I thank the President because he stated that he has instructed his Ministers to implement all the promises which have been made on the economic side so that the whole country can benefit, right up to the sub-locations. If there are such promises within the Development Plan of today, not the one for 1974, then let us see something. We do

[Mr. Tuwei]

not want to talk of things that were there in 1963. Mr. Speaker, I want the Ministers to do something and tell the people in the countryside what will happen, what will be delayed and why the promises made could not be carried out for so long.

In my area, the Uasin Gishu District, in the western part of Kenya, there is a terrible settlement scheme where people were allocated some plots. This was in the national farms which once belongs to a farmer called Mr. Kuthla. I hear that the house on this farm will be occupied by the Assistant Minister for Agriculture. The people who were promised that when the Committee came there to cut up the plots on that farm they would be allocated land on the farm; these people have now been told, "Sorry, the Government now has second thoughts and intend to make this area an afforestation area." I would like the Government to state clearly what is its policy, what kind of policy will be carried out in the country. If the Government states its policy and when we come here to argue they tell us we cannot raise such matters, then I am sorry to know this. Let our Government implement the promises made to the people and let Government speed up this question of implementation. We do not want to come here and lower the dignity of the House by mentioning that the Government has decided to have second thoughts.

When we come to certain things on the question of commerce and industry, we would like to know whether the names of the applicants on the files in the Industrial and Commercial Development Corporation which had been rejected should now be referred to. Those whose applications were approved were so few number in the towns, within the municipalities.

Even if you come to the question of the Agricultural Finance Corporation, if a farmer wants to buy a tractor, and his application has been approved he should be given the tractor straightaway so that he can go back immediately to the field, adopt the "Go back to the land" policy. He must do this within a short time. He must then work and repay the money according to the instructions he receives. Mr. Speaker, this farmer should not have to wait, and wait, and wait, and wait.

I am very worried about this question of security. We have people in Uasin Gishu District who have bought farms. Then if they want Sh. 2,000 or Sh. 10,000 to carry on with business they are asked for security. How can somebody without a *ng'ombe* or some such thing provide a security? If it is Ng'ang'a or Kamau he is safe, he does not have to offer any security. That is

why our people say, "When you go to Parliament you are being bought and made to keep quiet." Why can we not get anything out of all this? There are about £3 million in the Industrial and Commercial Development Corporation, yet Mr. Wanjiki just sits there without delivering the goods. He has the money and does not deliver the goods. When we ask for the goods we are told we are becoming tribalistic. Mr. Speaker, Sir, we would like these goods to be delivered to the people, whatever the goods, whatever the price, anything that they may be, provided it is money. If money is the root of all evil, then why not leave the devil to us? We would like to say this: if money is the root of all evil, then let us have this evil, we will suffer with it and ask Jesus to save us. We will pay back the evil. When we need the money and ask for it we are told we are being tribalistic, we are the leaders of tribal groups, we are making factions in the political arena. We are not doing this, Sir. We will never do that. We want something within the arena.

Mr. Speaker, why should there not be a trade officer within every district so that he can assist us to get £1 million for our districts? Then all the invoices can come to the headquarters for checking and auditing. Why should everything be in Nairobi? All the time you are told, "See Mr. Mutiso", "See Mr. arap Nei", "See Mr. So-and-so". You are made to go round for about three weeks or so and then you get one big 'R', rejected. After paying Sh. 100 or Sh. 300, or even Sh. 400, then have another form to fill in and then that, too, gets rejected.

I know of one person in particular who has been troubling us. This man is more powerful than a *kinyozi* gentleman who has been given something just because he attends to our hair and cuts it. He is given Sh. 3,000, and he is asked for security because of the cutting machine. We are not given anything.

So, Mr. Speaker, let our Government not do things which later on the ordinary people in the streets will complain about. They will one day cry when the guillotine is already being used. We are one with the Government and we must always tell the Government what the public opinion is. If there are Special Branches, the Criminal Investigation Department and so forth, that is another thing. After all, Sir, we have the mandate of the people. Even when some person is in the grave you hear others say, "So-and-so was good."

Mr. Speaker, Sir, our present Government is well stabilized. I am not going to say that our Government is not strong but I am going to ask the Ministers to heed the call and the instructions given by His Excellency the President, to implement the promises, to deliver the goods,

[Mr. Tuwei]

whether evil or bad; bring them to us, do not have second thoughts. If we cannot accept the little good that comes from the Government, how much are we going to say our Government is good if we are still waiting with expectation for the miracles which will be brought later. No. Now, we are being told that later on in this year there will be a census. This must be done properly, but not in a test tube because later on there will be something behind it.

Again, Mr. Speaker, when it comes to a General Election—next year there is supposed to be a General Election—there must not be second thoughts again so that it is said according to our development, thoughts there must be second thoughts until 1974. I do not think this should come into being. We are now mature enough. You can see that even though we are small shop-owners—whatever sector we are—already we are mature in our minds. Even if we are not returned next year, we are still going to be the Members of Parliament at home, the ambassadors of this Parliament, and we will have to come to this House because of the virtue of the way the people are mature in their minds and they want maturity in this House.

Therefore, when the budget comes the police should be eased. If the police are given instructions by their own officers to go and arrest somebody, they just go and beat them and the whole business. We do not want this. They should go under the instructions by virtue of the fact that they have been sent there.

Whenever the Ministers come to our constituencies we must sit down and consult plans as to how they go, instead of being directed from the Ministries.

Mr. Speaker, Sir, I thank our Government for delivering these goods to our people at home.

Mr. Obok: Thank you very much, Mr. Speaker. I also feel that I would be failing in my duties as Member for Alego if I did not also comment briefly on what the President of the Republic told us on the 20th May.

Mr. Speaker, the occasion did not look very important at all, although in this Chamber, both in the Public Gallery and inside here, we had distinguished guests, bishops and judges and so forth. What happened was that when the High Bench, the judges of high courts, led by the Chief Justice, Mr. Kitili Mwendwa, arrived in the Chamber, some hon. Members must have noticed that the Attorney-General was just laughing. Mr. Speaker, this made the whole occasion look very cheap indeed.

Mr. Speaker, Sir, I would like to compare the two State Openings by His Excellency the President: that is the main address by His Excellency at the State Opening of Parliament last year on the 26th February 1968 and looking at the State Opening of Parliament on the 20th May this year. Mr. Speaker, one of 20th May 1969, this clearly shows that the Government of the day has reached the point of no return. There is too much repetition. Hon. Members are talking of tribalism dominating the Civil Service and commerce and industry, but the President never condemned tribalism at all. When you look at his security men, his bodyguards who came around here this morning, you see that they are all Kikuyus. How then are we going to stop it?

Mr. Speaker, Sir, looking at the way we associate ourselves with certain reactionary countries; when we invite people like General Ankrah to this country, people who were found to have been corrupted—this means that we are not very far away from corruption ourselves.

Mr. Speaker, Sir, Gatundu self-help hospital: there is talk of corruption. This self-help project has received fat donations and it continues to receive them up to now. What is all that?

Mr. Shikuku: Mr. Speaker, on a point of order, is it in order to call donations corruption, or is it just a question of interpretation? Are we to take that as being in order, namely that donations to the Gatundu self-help project are corruption?

The Speaker (Mr. Slade): Mr. Obok is referring to something which General Ankrah confessed to, I think.

Mr. Shikuku: He is referring to the nation as a whole and Gatundu as corruption.

The Speaker (Mr. Slade): No, I do not think so. I think you misunderstood him.

Mr. Obok: Mr. Speaker, I do not know why the Member for Butere likes to behave like a baby sometimes. I am coming to the point. I cannot go to Gatundu today, or anybody for that matter who would like to go and see the President, because every evening somebody goes to Gatundu and gives money. What do you think that is? Is that not an inducement? I asked why should so much money go to only one place—we are spoiling our leaders by giving them money.

The Minister for Housing (Mr. Ngei): On a point of order, Mr. Speaker, I would like your ruling on this particular one because the hon. Member said that when guests go to Gatundu to give their donations to the hospital, it is an inducement. Previously he mentioned the word

[The Minister for Housing]

“corruption”; can he be specific about this one and tell us whether he means that the donations given are an inducement to corruption?

The Speaker (Mr. Slade): Will you make yourself clear, Mr. Obok?

Mr. Obok: I just do not know why the Minister—for what—for Housing—cannot let me finish and make my point. The point here is that I am trying to say that we hon. Members of this House are against corruption, but corruption may mean, in fact, people going to see the President at his home are making the country what-have-you; if you do not have any money you cannot go to visit the President. I would like to go and see the President, but I would not like to go there if I am not going to leave a cheque there. You know that a lot of people have given cheques there, don't you?

Mr. Speaker, in his speech, the President's major subject was theft.

Mr. Shikuku: On a point of order, Mr. Speaker, is it in order for the Member to allege that if you want to go and see the President you must have money to go there? This is what he was telling us, that because he has no money he cannot go and see the President. Can he substantiate that everybody who goes to see the President at Gatundu must carry money with him?

The Speaker (Mr. Slade): Mr. Obok, I find it awfully hard to understand what you are getting at. It does seem that you are suggesting in some way or another that visits to Gatundu are somehow connected with corruption. You must make it clear that you do do mean this, and then get on to another subject.

Mr. Obok: Mr. Speaker, Sir, the President, in his main speech, the major subject was theft. I wonder whether the Government has ever cared to investigate and find out what tribes are deeply involved in this increased theft with violence, robberies, shopbreaking and so forth. We should be told this. I see the Minister is coming up but I do not want him to interrupt me at all. This is one thing I would like to say, that I do not think the—

The Minister for Housing (Mr. Ngei): On a point of order, Mr. Speaker, we would like to get this very clear. The Member says that if you want to go to Gatundu you must have a cheque to see the President; he would like to see the President but without a cheque. This is what we understand: that you cannot see the President. Can he confirm this?

The Speaker (Mr. Slade): I have asked the hon. Member to make it quite clear that he does not associate visits to Gatundu with corruption and then come to another subject, so would you make that quite clear, Mr. Obok.

Mr. Obok: I have already made it very clear.

The Speaker (Mr. Slade): You have not. If you would just confirm now, then we can leave the subject.

Mr. Obok: In fact, Mr. Speaker, I am not linking it with what the hon. Minister is just trying to pin on me.

The Speaker (Mr. Slade): I am asking you to make yourself clear. You have been very unclear and rather sinister so far. Will you make it quite clear that there is no association between visits to Gatundu and corruption?

Mr. Obok: Not at all, Sir, I am not doing that.

Mr. Speaker, Sir, the country's police force is, today, the largest police force in Africa, but it is a police force without a deputy. Why? Is this because the top officers who should have taken this position are Luo, or is it because there is no Kikuyu from Kiambu who could take up this post of Deputy Commissioner of Police? Have we not got a Kalenjin with so many years' experience and training so that he can hold the position of the Deputy Commissioner of the police force? This is all tribalism.

There was recently a crash promotion of army officers, but I wonder who are the officers underneath here. Some officers have been promoted and Brigadier Ndolo has been put at the top, and Colonel Mulinge has moved up too; but I wonder who were promoted underneath them to do the donkey work. This shows that Mulinge and Ndolo are going to have absolutely no contact with the askaris. These are the sort of things we do not like, and you should not think that people are blind. This is the sort of thing that brought about the situation in Nigeria. It was because of tribalism and it was because certain people thought they could dominate others by putting members of their tribes to hold key positions in the armed forces. In Kenya here this should be stopped and we are not going to allow it at all.

Mr. Ondiek-Chillo: Hear, hear. Remember the Machakos incident.

Mr. Obok: Remember the Machakos incident when you were knocked down by Mr. Malu.

Mr. Shikuku: Mr. Speaker, on a point of order, is it not time the hon. Member addressed the Chair instead of addressing Mr. Ngei?

The Speaker (Mr. Slade): I think he is addressing the Chair.

Mr. Obok: Mr. Speaker, Sir, I know, in fact, that Africanization is taking place in commerce now, but we must be given a tribal breakdown because we would like to see how many Wakambas and how many Luos there are in River Road, and how many Kipsigis have taken key positions and have been given an opportunity to play bigger roles in commerce. It should not be only for people from Kiambu who take over from expatriates. This is absolutely wrong and nobody is going to accept it. I am telling you, Mr. Speaker, that we are all men—we who are ruining the country.

Also, this country allows far too many South Africans here. In fact, we are seen to be associating ourselves with certain leaders who are sympathizing with South Africa.

With these few remarks, Mr. Speaker, I beg to oppose.

Mr. Somo: Mr. Speaker, thank you very much for giving me this opportunity to join my hon. colleagues in congratulating the President on his speech. I welcome the speech very much and I think it was a very good one and we all welcome it in this House, although my hon. friend, Mr. Luke Obok, is trying to correct the speech one way or the other, but personally I do support it.

My view, Mr. Speaker, Sir, to speak about my district, is that I know how backward we are educationally, agriculturally and even in fisheries. In my speech, I mainly want to speak about fisheries. In Lamu District as a whole you find that most of the people along the mainland of the coast and even those who are on the islands are all fishermen. However, I agree that the Government has formed a company which is called the Kenya Inshore Fisheries, which is buying all our catches. However, there are a number of Members of this House who have spoken about tribalism in Kenya, and I agree in one way or the other about tribalism. You find that most of the fishermen—almost 100 per cent—of Lamu District are Bajuns. You find that Luos are not interested in fishing in the Indian Ocean; they are only interested in the lakes. However, you find that this company has a General Manager who is a Kikuyu, but I do not quarrel with that because this entirely depends upon the qualifications and the capabilities of doing office work and so on. Mr. Njeru is a Kikuyu and he comes from Kiambu, for your information. We welcome Mr. Njeru in this company to be the General Manager. When you come to the skilled job of fishing, you find that 100 per cent of the fishermen come from Lamu District. However, Mr. Speaker, Sir, the dhows or the steamers or the small steamships which come to buy these lobsters—they sail all the way from Mombasa down to Lamu to buy

our catches—also have the captains and the seamen as Bajuns, which is very good. However, you find also the clerks who are weighing the fish—so many pounds fetch so many shillings—are also Bajuns.

Mr. Speaker, Sir, surprisingly enough, about nine months ago all the Bajuns, besides the captains, those who used to be clerks on board, and even those who were seamen, were discharged and Kikuyus were imported from up-country here to Lamu to do the jobs. This is a very shameful thing. It could be anything, whether imported or exported; it should be imported, as a matter of fact, because the General Manager is a Kikuyu. This is very serious, Mr. Speaker, because you find that everything is done by the Bajuns. If I go tomorrow and tell a Bajun that as of tomorrow he will not have any of his men on board his ship and that he will have to stop fishing or I will force him to stop fishing, this is of great harm to the country. Of course I can tell them, because as Kikuyus they do not know how to fish.

Mr. Speaker, Sir, on the other hand my people depend on the second job they are doing which is farming. Farming, as I said earlier, in Lamu District is different because this district is one of those districts which suffered from the shifta menace, and you find that farming has been forgotten for four years because of the shifta activities. I appeal to this Government to put all its efforts into seeing that all the farmers in Lamu District, either on the islands or on the mainland, are given help.

Mr. Speaker, there is also another danger in those islands which I want to make very clear. In a place like in Ndau, and another one called Gitini, and the third one called Fazi, where Fazi is the administrative headquarters of the division, these islands are so small but there are a number of people living on these islands, ranging from 3,000 onwards on every island. You find, on these islands there is no sea-wall to prevent the water rising, and every year you find that a piece of land has been washed away by the water. I think in ten years' time, if the Government is not going to build a sea-wall to prevent the sea-water from covering these islands, the people are going to have no place to build or have anything to do on those islands. In this case, I appeal to the Government very strongly to build a sea-wall on these three islands in order to prevent the water coming over these islands in ten years' time.

Also, Mr. Speaker, Sir, you find that on these islands there is no fresh water at all. Therefore, I appeal to the Government again to build tanks so that the rain-water can be caught and then the

[Mr. Somoj] people will be able to enjoy this fresh water instead of drinking salt water every now and then.

Also, Mr. Speaker, I was in Lamu last week and I was there at the time of this shooting at Fazi Division, by the police, which is another serious incident which I attended. As we are all aware, most of our land is tribal and these Tribal Police shot at somebody at Fazi, Sir, and the person died instantly. The Government up to now, besides doing this investigation, have not done anything, either to detain the person who shot Mr. Saidi—and he died instantly—and this policeman is still at Fazi and is doing his normal job, and the Government, up to now, has done nothing to detain this policeman. Mr. Speaker, Sir, if these Tribal Police are going to shoot people at Nyambogi or Fazi, then, Mr. Speaker, we are like pigs to go on being shot and nothing being done. In this case, it was a very bad incident and there were also two other people who were wounded by bullets. I appeal to this Government to try and do its level best to do something about bringing these Tribal Police who did the shooting of the people at Nyambogi or Fazi to a court of law so that justice can be done.

Mr. Speaker, Sir, if Lamu is taken very lightly where a policeman can go around and harass the people or shoot them, then, Mr. Speaker, in view of this incident I strongly appeal to this very hon. Government to make sure that something is done with regard to the shooting at Fazi. Otherwise if the Government leaves things as they are without doing anything, then, Mr. Speaker, I think it is high time for the Lamu people to do something about it rather than keep quiet. This is not something to keep quiet about. At the moment, the people are keeping quiet because they want to see what the reaction from the Government is going to be. If no action is taken by the Government, then the Government should not blame the people of Lamu at all for any action they take.

With these few remarks I beg to support.

Mr. ole Kipury: Mr. Speaker, Sir, I rise to congratulate the President of the Republic of Kenya for the constructive speech he made at the State Opening of Parliament on the 20th May 1969.

Mr. Speaker, Sir, I have a few observations to make but because of the limited time I will have to be as brief as possible.

First of all, Mr. Speaker, in his speech, the President mentioned something about the Development Plan which is on the way for 1969/1974. Mr. Speaker, Sir, in this plan I would like to suggest a few things to the Government for them to do to hasten development in the rural areas especially. A lot has been done in these areas,

especially in Kajiado where I come from, and there is still a lot to be done. I would like to stress very much to the Minister for Economic Planning and to the Minister for Commerce and Industry that they should work together to create projects to help the local people by way of giving loans, of planning new industries. There are hides and skins there, and also a local industry which is mainly carried out by women, and that is beadwork which no Minister has ever encouraged our women to produce more of. If you go around Nairobi and visit some of the curio shops you will see quite a lot of beautiful, locally made beadwork, walking-sticks, and also some circular ornaments, ear-rings, and quite a lot of other things. It would create a very good industry in these areas if the Minister concerned could visit these places and encourage the women to do more and probably help them financially.

Mr. Speaker, Sir, there are quite a number of shops all over the place and all the people are very, very poor indeed. The stock they have is very little, probably worth about Sh. 1,000, and some have stock worth less than that. It is the duty of the Minister for Commerce and Industry to help these people, give them loans and show them how to trade. We do not have in Kajiado a trade officer at all. The man who is in charge of Kajiado is stationed in Nairobi, and he spends most of his time doing his own business. I know him personally and he does not have the time to go out in the field and visit places like Magadi, Loitokitok, Ngong here, Kajiado and other places to help these people.

Mr. Munyi: On a point of order, Mr. Speaker, with due respect to the hon. Member speaking, would he substantiate that the trade officer who is in charge of Kajiado and stationed in Nairobi, is doing his own business instead of doing work for the welfare of the people of Kajiado and Nairobi, and that he is concentrating on his own affairs.

The Speaker (Mr. Slade): Can you substantiate this, Mr. ole Kipury?

Mr. ole Kipury: Mr. Speaker, I know the gentleman very well. He has two shops in Kariokor, one is a butcher's shop and the other sells cigarettes. Most of the time when I go there I find him there. He is a friend of mine. Whether he is a friend of mine or not does not make any difference, because he does not have the time to go out in the field and serve the people. It is high time, Mr. Speaker, that we are given a separate trade officer.

Mr. J. M. Koinange: On a point of order, Mr. Speaker, could the hon. Member inform this House whether this gentleman, who is his friend, is receiving a salary from the Government for his work at Kajiado, Narok and the other places?

The Speaker (Mr. Slade): Is he being paid as a trade licensing officer?

Mr. ole Kipury: Yes, he is a trade licensing officer, Mr. Speaker, and I did not refer to Narok at all. I do not know him by name but I know his face. I have met him several times and we have been discussing things. I invited him one day to visit Kajiado or Magadi to see the people but he has never had the time. He is being paid, Mr. Speaker—

Mr. Mbogoh: On a point of order, Mr. Speaker, as this has been a very serious allegation against a Government officer which has been substantiated quite sufficiently, would I be in order if, through you, I asked the Government to make a statement about such an allegation which has been proved by the hon. Member speaking?

The Speaker (Mr. Slade): Not as a point of order.

Mr. ole Kipury: I wonder, Mr. Speaker, if you could give me more time because a lot of time has been wasted. Thank you, Mr. Speaker.

Another point I would like to raise is concerned with the present registration of land in the Kajiado District. For the last three months a lot has been done to this effect. I would like to suggest a few things concerning this.

The people in Kajiado are formed in sections and clans and there have been quarrels between the sections and the clans concerning land. Because of these quarrels the Government has come forward to try and quench these quarrels and make these people live together peacefully. When these officers came there was a committee formed composed of representatives from various sections. These representatives, including chiefs, Government officers; the chairman is the district commissioner and, Mr. Speaker, I regret there has been a lot of unfairness in the division of this land. You find one section is surrounded by four sections. When the committee proposes that from this point to the other, along the river, over the hill and that this section should not cross this river and so on, one section might not be satisfied in all four corners. In my experience, because I know quite a lot about this and I have been present at many of the committee meetings—although I am not a member I attended as an observer—and I saw there has been a lot of injustice.

Mr. Speaker, I suggested to the Government by writing to them that a neutral committee be formed to be chaired by a neutral person from outside who may not be biased. You may find that a district commissioner is probably backing

So-and-so because he is his friend. If the Government would see to it that things are done properly and justly and somebody from outside should come and chair this committee. If these things are not done properly then we will find they will not last long and the quarrels will start again.

Thank you, Mr. Speaker.

Mr. Wario: Thank you very much, Mr. Speaker, for giving me this opportunity.

Mr. Speaker, Sir, I would like to thank the President for his wise speech, which has really echoed through the nation, showing what the present Government has done for the people of this country and what it is going to do for the people in future.

Mr. Speaker, Sir, in a democratic country like this one, Kenya, the Government will never be out of power if everything is shared among the people of the country fairly. Mr. Speaker, Sir, this very honourable House has enacted many laws to be followed by the country. Most of them are for the benefit of the people of this country. Mr. Speaker, Sir, it happens that what has been legislated to benefit the entire country is only benefiting one section of the people, or a privileged class.

Mr. Speaker, Sir, an example being the giving out of loans. It is very good that loans are being given and this shows it is the Government's intention to help the Africans to take over the businesses. Mr. Speaker, Sir, there are all these things called securities and so on, and since many of the areas in Kenya have not been issued with title-deeds for their plots, whose duty will it be to give out these title-deeds? Those who have not been given the title-deeds will not be given loans, and if they are not given loans then they will complain. It happened that the people in the Central Province and a few other areas were given title-deeds, and they are the only privileged ones to be given these loans. What is going to happen to the rest of the people in the Republic? The ones who do not have title-deeds? There are complaints all over the country that the Government is not doing much for the people.

The Government should look into this and should not attach these things as securities for the loans because it will not benefit many of the tribes in this country.

Mr. Speaker, Sir, I would like to thank the Governments of Somalia and Kenya who took part in bringing peace to this country. But, Mr. Speaker, Sir, I would like to appeal to the Government to fulfil some of the promises it made to the Head of the Somalia Government when

[Mr. Wario]

he came here. An example being the releasing of detainees from the Northern Province, the political detainees. The Kenya Government promised a few months ago to release the detainees from that area. This is the sixth year these people have been detained. Peace has been restored, so why should not these people be released? We should honour our promises. If we have made a promise to the head of another state, then it is up to us to honour that promise.

Mr. Speaker, Sir, I also thank the Government for the ranching schemes which it is introducing in the area in the north, and I hope these will be very helpful to the people of that particular area. Mr. Speaker, Sir, the Ministry of Agriculture is not doing much for the Africans in this country, especially where animal husbandry is concerned. Where the nomadic tribes are concerned we get everything from our animals, be it the Masai, the Boran or the Somali. What is happening in this particular Ministry with the livestock marketing division, which acts as an agent to buy the animals, it is keeping our people away. We have the animals but they are not coming to buy them. Every year the animals from the north are ignored. Even today, we have no stock sales, nor for the last three years. The same thing happens to the animals from the Kalenjin, and also from the Turkana. These animals are not going to be bought. They only buy the animals from the farms around here. Is this really benefiting the entire country? I would ask the Minister and the Ministry concerned to do away with the Livestock Marketing Division which is headed by a European at Kabete. This is what is going to cause a lot of trouble to our people, to the whole of the Northern Province, to the whole of the Eastern Province, to Turkana and Masai. If you check up on what the Kenya Meat Commission is buying, you find it is only the animals from the European farms which cost a lot. That is why today the price of meat is increasing day by day. Every day, there is an increase in the price of meat. If our animals were bought—and they are cheap enough—then the price of meat would not be as high as it is now. Because the Ministry has failed to buy the animals from the people and has engaged itself in buying from the European farms around here, it cannot give the people of Kenya, especially the cities like Nairobi, enough meat, thereby increasing the price all the time.

Mr. Speaker, Sir, I would like to say something about our educational policy. Mr. Speaker, Sir, we say we are non-aligned and that is exactly what we are doing. But the time will come when

we will no longer be non-aligned because we are sending our students all over the world. The students who go out having been given scholarships, some of them, are straight from the villages and they have not even gone to their own local towns and have not even had the chance of coming to the city. The only time he saw the city was when he was passing through on his way out. Mr. Speaker, Sir, these particular students who are going out have not learned anything at all about this country. A student might be flown to America, China, Russia or anywhere, a man who does not know anything about his own country is being sent out. He will think that the people of America are wonderful. They are his masters, and when he comes back here he thinks that everything should be done in the American style. Another one comes back from Russia and thinks that everything in Kenya should be the same as in Russia. The one who went to China comes back and thinks everything here should be the same as in China.

The time will come—if we continue with the policy of sending boys direct from school to these countries—the time will come when they will not agree with our politics. We have to change this, because there will be ideological complexes in our country. I suggest that someone should first of all know about his own country before he is sent away. If he goes out and even when he comes back, he feels that he is a Kenyan, and is proud of being a Kenyan. But he should not be sent away when he knows nothing about Kenya, the Kenya Government and its people. When he comes back, he will be familiar with his own kind of thinking, and not be thinking in the way the Africans in Kenya think.

Mr. Speaker, Sir, in Parliament, as I have said before, we have enacted laws, Motions have been passed in this House, and Bills have also gone through, but some of these have not been implemented. I do not know what we are waiting for Mr. Speaker, Sir, if we implement something in this House, we expect the Government to take action straightaway; not halfway, not cowardly, because it is with the mandate of the public that we are here.

Mr. Speaker, Sir, we have given the Government power through the Trade Licensing Act. Still we are told that “Oh, these traders cannot go because the people of that area have no qualified man to take over that particular business.” What is the Government doing? It has been said now and again especially in the *Daily Nation*, that we, the Government have to help the people to take over trading from these

[Mr. Wario]

Indians and the rest of them. Why have they failed in some particular areas to see to it that an African takes over?

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

Mr. Nyaberi: Mr. Speaker, Sir, I rise to congratulate the President on his speech, when he opened the last session. I would like to speak on very few points. First I would like to speak on something about the police.

Mr. Speaker, Sir, the situation arising in the districts at present, especially over the boundaries which divide the districts, or which divide the tribes, makes me feel that the security is deteriorating, Mr. Speaker, Sir; and now, I would like to ask Government to do something about this very particular issue.

Mr. Speaker, Sir, at the present time what happens is this; if cattle are stolen from one district to another district, the police stations and the police officers are very far from these borders and what happens is that it takes time for the people to go and call the police. In addition, Mr. Speaker, I think Government should reintroduce the former communal system. By this I mean that, where the people follow the tracks and they get lost, Mr. Speaker, Sir, a communal fine should be imposed so that next time this might remedy the situation.

Mr. Speaker, Sir, I know very well that this method once existed. But Mr. Speaker, Sir, recently it was scrubbed and, as a result, there are a lot of tribal clashes when the people decide to fight. Therefore, there is nothing wrong in bringing back these communal fines as they will probably rectify the situation.

Another thing, Mr. Speaker, Sir, especially in the area where I come from, the police stations are very far apart and do not seem to serve their purpose, and I would like Government to see that they site the police stations in the right places to deal with the situation accordingly.

Mr. Speaker, Sir, I would like also to say something on the Industrial and Commercial Development Corporation.

The Industrial and Commercial Development Corporation, at the present time—I do know whether I can say some people have made applications for loans—they made them three or four years ago.

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

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

They sent them to the Industrial and Commercial Development offices and, Mr. Speaker, Sir, these have never been processed. Applications from other districts might be processed, and loans might be granted. What happens with applications from my district is that the applications, Mr. Speaker, Sir, are merely filed—in fact they are kept in closed files. If somebody applies he never gets a reply. The Industrial and Commercial Corporation officers never write to these applicants and the files are closed. This is a very bad affair, Mr. Speaker, Sir. When the people are told to apply for loans, they fill in the application forms and pay service charges and many other things. They then send them to the Industrial and Commercial Development Corporation's Headquarters. The people there simply put them away somewhere; they do not even write and acknowledge them. One or three years go by with no reply, while other districts, in fact, get replies and this is very annoying to the whole country.

I would like to ask the Minister for Commerce and Industry, to intervene and see to it that these people get replies. If they have not been given loans, they should be informed that "Your application was unsuccessful" as usual; because this is what they do to those to whom they perhaps do not want to give loans. I am asking the Minister for Commerce and Industry to intervene and see that the people who have applied for loans have been given information whether their applications were successful or not. Mr. Deputy Speaker, Sir, I would like to touch on the Ministry of Co-operatives and Social Services.

If I recall correctly, ten years ago, we used to have co-operative inspectors. These people would go out to every individual co-operative society, and check their books of accounts to see whether there was any misappropriation of funds and put things right. What has happened is that at the present time, we have no co-operative inspectors going to individual societies. As a result the committee men—who are a small government in the society—have taken the law into their hands and there is a lot of misappropriation of funds. In this case Mr. Deputy Speaker, there are many forgeries, especially from the area from which I come. There is nobody to go to individual co-operative societies, check their books of accounts, put things right and report to the Government if there is any theft. What has happened is that the Ministry of Social Services sits back, and just trusts the committee men and these people do what they like. This is because they drink with the managers of the co-operative societies and squander a lot of money which comes from the farmers.

[Mr. Nyambergi]

I would like to see the Minister for Co-operative Societies introduce the system of co-operative inspectors who will go to co-operative societies to check their books of accounts periodically, so that this will help to alleviate the problem of stealing the money of the societies.

A lot of money has been stolen, especially in Kisii. Kisii co-operative societies are suffering very badly from this deficiency. No effective action has been taken by the Ministry for Co-operatives to bring these people to justice. I think this is a very serious matter and the Minister for Co-operatives should take this matter up quickly and rectify things for the co-operative societies.

Another thing which I would like to touch on is on the registration of *Harambee* schools. Mr. Deputy Speaker, Sir, it takes quite a long time for an application for registration for a *Harambee* secondary school to be approved. This is because regulations have been laid down that the county councils and the county education officer must endorse these application forms. After this is done, the form goes to the provincial education officer for him to endorse. Finally, these forms are sent to the Headquarters of the Ministry of Education, in Nairobi. That is what happens in some provinces, especially in Nyanza Province. I am speaking of a case from my own area where an application for the registration of a *Harambee* school has taken over two years. These people, the county councils and the education officer complete their part and then the application forms are submitted to the provincial education officer to pass to Nairobi. What happens at this time is, the provincial education officer, Mr. Deputy Speaker, Sir—but I do not say it was him, because he has many officers in his office—had some cases in which several application forms were lost whilst in his hands. What I was told to do was to fill in fresh application forms and bring them forward. I did this, Mr. Deputy Speaker, Sir, several times and I thought if things continued in this way, the Minister for Education should intervene and do something. He should advise these officers in the field to send in the application forms at the right time and through the proper channels.

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

Mr. Godia: Thank you very much, Mr. Deputy Speaker, for allowing me to say a few words on this Motion. First, of all, Mr. Deputy Speaker, I would like to thank His Excellency the President for his nice policy speech which he gave to the House. Mr. Deputy Speaker, Sir, the speech was

excellent. I would also like to congratulate His Excellency the Vice-President for the way in which he moved this Motion.

Mr. Deputy Speaker, I would agree with His Excellency the Vice-President that Members of Parliament must work in unity to achieve, particularly the best things for this country. Mr. Deputy Speaker, Sir, I would like to urge my fellow hon. Members to concentrate very much in helping and advising their constituents because it is most important that people in each constituency should understand Government's policy. Of course, if one is KPU it is a different matter, but those of us who are Kanu Members, it should be our duty to educate our people on the policy of the Government. We should be able to tell our people what we have achieved within the past six years. Mr. Deputy Speaker, I think the present Government has done a lot under the wise leadership of our President, Mzee Jomo Kenyatta, and he must be congratulated. It is not possible for me to go into details of what this Government has achieved, and I think each hon. Member in this Chamber knows exactly what our Government has achieved. Therefore, it should be the duty of every Member to educate the people in his constituency on what Government has achieved.

I strongly oppose the criticisms made by the Leader of the Opposition, the hon. Odinga, against His Excellency's Speech in this House. Mr. Deputy Speaker, Sir, I think, at one time, the Leader of the Opposition was reported to have respect for His Excellency and on another occasion it was reported that he regarded him as second to God. Mr. Deputy Speaker, Sir, it is therefore, a great shame that the Leader of the Opposition left the company of Mzee. If he was of any use, Mr. Deputy Speaker, he should have been patient and remained with the Government together with Mzee. Therefore, Mr. Deputy Speaker, Sir, his criticisms against Mzee's policy are unfounded and also very unreasonable.

Mr. Deputy Speaker, Sir, it is wise for His Excellency, Mzee Jomo Kenyatta, to condemn thieves, thugs and bandits as he did, because I understand as a result of his words, a number of thieves have come forward and surrendered to the Government. It is reported that not less than ten have already come forward, because of Mzee's call to them to leave that sort of bad life, and become decent people. Had he not done that—

QUORUM

Mr. Munyi: On a point of order, Mr. Deputy Speaker, Sir, is there a quorum in the House?

The Deputy Speaker (Dr. De Souza): No, we do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

The Deputy Speaker (Dr. De Souza): We have a quorum now. You may continue, Mr. Godia.

Mr. Godia: Mr. Deputy Speaker, Sir, I said that I was congratulating His Excellency the President because of the warning he gave to thieves and bandits, because not less than ten of them have come forward and surrendered to the Government and have repented and vowed that they will never engage again in that very bad type of crime. Therefore, Mr. Deputy Speaker, Sir, those from the Opposition who have been criticizing His Excellency's Speech have done so, without knowledge and information. Therefore, Mr. Deputy Speaker, what he says of His Excellency the President, and criticizing him for the advice he gave to the Back-benchers was without any foundation. He should have been more conversant with facts.

Mr. Deputy Speaker, Sir, it should be noted that even the primary elections were mentioned in the President's Speech. When this becomes law, it will apply both to the Opposition and to Kanu and therefore, they are not out of it.

Mr. Deputy Speaker, Sir, I would like also to mention something about the Development Plan for 1969-74. Mr. Deputy Speaker, Sir, one Opposition Member criticized saying that this plan should not be there, but I would like to give thanks to Government for bringing forward the plan which shows that this Government is progressive. It will definitely be that under this Government, Kanu will form another Government. This is definite because no other party in this House can form the Government although someone is applying for the registration of another party.

An hon. Member: Which is that?

Mr. Godia: Mr. Deputy Speaker, Sir, someone is applying for registration of a party known as the Socialism Party, but in fact, Sir, I do not think it will work as Kanu. That party will die away just like Kadu and APP. Now, Mr. Deputy Speaker, I would like to advise the Minister for Economic Planning to see that within the next planning period for 1969-74, all the existing registered *Harambee* projects are taken over by Government between this time and 1974, so that, after 1974, there will be no more *Harambee* projects which are still being run by the people. This should include *Harambee* clinics, *Harambee* nurseries, *Harambee* schools, and other *Harambee* projects.

Mr. Deputy Speaker, Sir, I would like to say something about the population census. This will reveal to this country and the world the population of Kenya. I would like to appeal to the Attorney-General to consider revision of the registration of voters, because since we had the register completed, we have had a number of people who are either living in one particular constituency, or who were too young to be registered then, but who are now grown up, and of age. I think the Attorney-General should consider giving a week or so to those interested in being registered so that they can take part in the next general election.

Mr. Deputy Speaker, I would like also to ask each Member of this Parliament to assist in the population census in the constituencies. Each Member should help the Registrar of Census in his constituency as much as possible so that the work is made easier.

Mr. Deputy Speaker, Sir, on the question of vegetables, I would like to appeal again to the Minister for Agriculture (to whom I have appealed several times) to consider helping the farmers in Hamisi, who grow plenty of vegetables, so that their vegetables are processed, tinned and exported overseas.

Mr. Deputy Speaker, Sir, with these few points, I support the Motion.

The Minister for Natural Resources (Mr. Nyagah): Mr. Deputy Speaker, Sir, I rise to record my appreciation for the Presidential Speech during the opening of this session. In dealing with this, Mr. Deputy Speaker, I would like to comment on five points that His Excellency the President made to the House in his policy statement.

At the beginning of this session, Mr. Deputy Speaker, the Government policy was pronounced publicly by the President. During the last opening speech by the President, a number of useful points were made, and as I said, I want to highlight five of these points.

The first important one, is that greater emphasis is going to be laid on rural development, because for the coming five years in 1969-1974, as he said, in his speech, this will be done. He put forward two points in particular; one on the economic projects and the other one on social services.

An hon. Member: Too rich.

The Minister for Natural Resources (Mr. Nyagah): Mr. Deputy Speaker, Sir, I hear somebody saying "too rich", but actually, I am speaking on the Development Plan 1969-1974. Is it too soon to speak of 1974? Therefore, I am still

[The Minister for Natural Resources]

within the time, Mr. Deputy Speaker. On the form of economic projects, I am sure the Government will lay greater emphasis on commerce and industry, particularly on the smaller scale in areas far remote from Nairobi, and I do hope this was what the President meant when he said greater emphasis would be paid to the rural development areas in the field of economic projects and so on.

On the plans for social development, Mr. Deputy Speaker, which were also mentioned by the President, in rural areas, I am sure besides education and health, water development will figure very high, and communications will also figure very highly, Mr. Deputy Speaker, because no development can take place without proper and effective communications—road communications, air communications, and even Posts and Telecommunications. Mr. Deputy Speaker, today there are places where you will spend days, if not weeks in getting a message from one end of the country to the other, and this is one of the essential social services that the rural areas require. I am sure before 1969-1974 period is over, this will be realized.

The second point, Mr. Deputy Speaker, which was raised by His Excellency the President, was on land consolidation and registration. I know my friend the Minister for Lands and Settlement is doing his best and I pray that he will do even better and more effective work in this field. Not the whole of Kenya has been registered or consolidated and with the experience of the past we ought to hasten the development in this area of registration of lands. I say this, and this is not the first time I have said it because I have said it for the last eight years or so. Sir, there are certain parts in my part of the world which need to be hurried in this respect. Land consolidation is not useful unless it has a follow-up for development money and also for marketing. You can consolidate an area very far from the internal market of Nairobi or the internal markets of the world but unless marketing facilities are made available, and facilities for marketing, internally and externally, are made, this development will not be very useful.

Mr. Speaker, the President also mentions a revolution. This was a revolution in the beef industry. Some areas are not destined for coffee-growing, or tea-growing or pyrethrum-growing, or for some of these crops that you find in the well-watered areas. Beef is a production that is found in marginal areas. I would implore the Minister for Agriculture to make sure that this is done as quickly as possible so that those areas which are marginal can have something to grow as a cash crop. The system was started, as we

are told by the President, in Taita and in Kajiado, of collective ranches, or ownership of ranches, which is a very useful one, and I hope it will be encouraged in many places where there is marginal land, like the lower parts of Embu, Kitui and such other places. I am told, Baringo, too.

Another point that was raised, Mr. Speaker, is of great importance, and this will confound all the critics of the Government. Nothing is said about the Government, the Government is accused of not being able to see the problems of the country. However, the Government plans for the census, like the one that is coming in August, with a greater emphasis again, as he says, on the younger age groups. Also when the President talked of unemployment being there, and the effort of the Government to try and combat this; what more do the people want? There is a realization that Government is doing its best to combat unemployment, the Government is going to make sure that during the census the younger age groups will be particularly noted so that improvements on employment can be looked into. Education facilities will be looked into. What more, then, do people want to see done by the Government other than this?

Finally, Mr. Deputy Speaker, I was very interested to see the President remind us of the greater responsibility that falls on us in the next period. If I may quote from his last page, where he says,

“Having laid all the foundations of a modern State”,

as we have laid in this past period of our independence,

“Kenya must progress now. I want to witness and to feel harder work and more practical efforts being made by all who carry the burden—and also the privilege—of public leadership. There must be more decisive and virile conduct of public business in many departments of national endeavour. We can in no sense afford to try and live on slogans or self-congratulation.

These are the key words by His Excellency the President to us all who are privileged to lead this country as we enter the new development era.

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

Mr. Kebaso: Mr. Deputy Speaker, Sir, I also want to join the other Members to congratulate His Excellency the President for his Speech.

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

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

[Mr. Kebaso]

Nobody has said that our Speaker needs appreciation from us. He has been with us since 1964 when we attained full independence. The Speaker has been sitting in that Chair all the time without murmuring, without questioning, and we must thank him because of his patience.

Mr. Speaker, if anybody in the country is going to dream that we are going to have another Government in this country while Mzee Jomo Kenyatta is alive, that is just a dream. Everyone is very happy in Kenya because this old man is alive. If anything, for instance, happens to prevent Mzee being alive, then you will find everybody running away to the bush, or to the forest, those who came from overseas running to the planes so that they can catch the first plane and go home. We cannot expect there to be so peaceful a country, so peaceful a government by any other person when Mzee is not present. So, all I can say is that most of us who are privileged to come to this House, and those who are at home must pray, must love one another, work together, the Members and those who are not Members for the good of everybody in each constituency.

Mr. Speaker, everybody outside is envious of Kenya's progress. Everybody loves this country. You find people here from America, from Russia, from various places—they all bring their money here for investment. Why is that? It is because Kenya is such a nice country agriculturally; and with the stable security that we have, together with the confidence that we also have in our army and police, we cannot help noticing that everybody is coming here.

I must say something about the party. In order to make our party strong—I have already said there is no question that we are going to have another Government at present. If we want to avoid all these wrangles, we must stop squabbling between Members, between Ministers, between Assistant Ministers and so on. At present I think our House is a dirty House and we should get somebody to clean it.

Mr. Speaker, everyone knows full well that he was created by God. One day he will be called by God. He was given his position, say, as a Minister. God knows for how long he is going to hold that position. Those who were elected to come to this House do not know how long they will be here, they may go during the next General Election. At that time most of them may not come back to this House. Why is this? It is because this has been decided by Almighty God, that So-and-so is to stay here for such-and-such time, that for such-and-such time he will be in Parliament, that for such-and-such time he will be a Minister, that at

such-and-such time he may crash in an accident and die, and so on. We must not become confused, we must not refuse to co-operate with one another. The more we get divided the more we show the electors, the voters, that we are not suitable to remain in this House, and we are not suitable to lead the country. Leaders who confuse the voters make themselves ugly Members and during the next General Election they may not be returned to this House.

Mr. Speaker, I want to talk about the primary elections. During these primary elections, let all the voters stand behind the people seeking election. Let the voters form a queue behind each candidate. Let them queue behind the candidate, even if the queue is 20 miles long. Then anybody with the majority supporters, after the people behind each candidate are counted, will be given a ticket by Kanu to come to this House. I say, and I think many Members will join me in saying this, that we are opposed to the idea of 18 people, and we are also opposed to the question of Sh. 2. If we want to achieve this we must avoid all ways that can cause friction.

Mr. Speaker, when I was in Japan I saw many new hotels which were built on the hillsides. I do not see why these big hotels have been built in the city here. Let some of the new hotels be built on the hillsides, on the mountains like the Aberdares, Mt. Kenya, Ngong Hills, so that the tourists are not only pouring money in to Nairobi, one side of the country.

We have a problem here, Sir. We have hundreds of school leavers in each year, the children who sit for the Kenya Preliminary Examination or the Certificate of Primary Education Examination. Only one-third of these go to high school and two-thirds remain at home. We are faced with a very serious situation and will be faced with a worse situation if the Ministry and the Government are not going to build some technical schools where the girls and boys can be trained. If we do not do this, we are facing a very critical future. Let alone all these things where people are shooting each other in the streets. We will find people here hacking others with *pangas*, and this will actually be because of hunger. What are all the people we see here in the Galleries doing here in Nairobi? They are seeking for jobs. There are no jobs, they cannot go for further education; so, what are they going to do? They will be a danger to this country.

When the Government gave plots in settlement schemes, they used tractors to make roads. Since that time, before 1963, to date the roads have become full of bushes, they are impassable; and yet the farmers have to repay their loans and also

[Mr. Kebaso]

pay graduated personal tax to the county councils even though they cannot make use of their land. Something must be done in order to enable those farmers to have means of communication, especially those who have produce to sell.

When the British devalued their pound, they brought the same system to Kenya. It is because of this that the tea growers are losing 60 cents in each pound of green leaf. I do not think the devaluation of the British pound had anything to do with Kenya. If the British have trouble with their pound, then it is their business, not ours. I must ask the Kenya Government, especially the Ministry of Agriculture, to review this situation and refund the money which the farmers have been robbed of by someone.

Mr. Speaker, the present punishment for stock-theft is not adequate. We would like Government to consider what the Member for West Mugirango asked, that the former way of communal punishment be imposed once again. Thieves are not afraid of being sent to jail for one or two years. But if collective, communal punishment can be applied all over the country, I am sure that the thieves will be afraid of stealing.

Now, Sir, with regard to the coffee prices, we want the Ministry to consider increasing them. When this price fails most of the coffee growers leave their coffee farms to turn into thick bushes. They refuse even to manure the plants because they do not receive any money from their coffee. If there is any little money received by the society, it is misappropriated by the officials of the society.

With these few remarks, Mr. Speaker, I hope the Members will join me in praying for the President.

The Speaker (Mr. Slade): You were not wanting to speak, were you, Mr. Mwendwa?

The Minister for Labour (Mr. Mwendwa): No Mr. Speaker, I was just moving.

Mr. J. K. arap Soi: Thank you very much, Mr. Speaker, although I hope I did not steal the Minister's time.

Mr. Speaker, I would start off by criticizing this system which is, of course, Parliamentary, that the President's Speech is so short, while, in fact, it is so wide at the same time. Members would have liked to have talked more of what relates to the lives of their constituents. The problem here is that because of this Parliamentary system, whereby we only have ten minutes, I have to try and rush my points through and try to be as brief as possible and as clear as possible.

I would start, Mr. Speaker, Sir, by congratulating the President for the first, second and third paragraphs of his speech, especially when he mentions something about the maturity of this Parliament. It is true that this Parliament is quite mature now to discuss things of national importance at any time. However, on the other hand, I do not know how very mature **this House is or** how mature the Government is—if the House is mature. I hope that the Government is mature enough to have looked at some of **these pitfalls** that we have been talking about since 1963, whether we were mature or not. It seems as if the House is becoming more mature every now and then but the Government is slow in moving towards maturity.

The speech by the President was quite plain, but I would say the paper as written down was without consideration. I would not say that the President actually had time, himself, to write down this speech; I think somebody somewhere wrote this paper for him. At the time when he came here to read this paper, he thought of everything which is supposed to be said during the time of the State Opening of Parliament and which should have been incorporated in that paper. This paper actually tells us nothing except fake hopes and promises. I would have liked the people in the country to see something in figures; something that cannot, in fact, be changed by the stroke of a pen. For example, when one mentions about our revolution in agriculture, especially in the beef industry: how many tons of meat are we going to have within the 1969/74 period; how many tons of meat are we going to have for consumption here; what type of propaganda is going to be used so that those who, at the moment, use different types of meat eat beef; how many tons are going to be sent out for the export market; how many tons, for that matter, are going to be used for other purposes like fertilizers and other things? These are the things that we want to see in a paper like the one the President brought to this House. I am sorry I must say that somebody somewhere wrote this paper and perhaps did not give it to the President so that he could have a look at it before he came here.

Mr. Speaker, I come to the second point, which has been mentioned by many Members of this House and which is, in fact, the most important thing in the country today, and this is party reorganization. I think we are trying to beat around the bush by saying every now and then here that we are Kanu, Kanu the ruling party. Unless and until this party is reorganized properly, this is wrong. Today in some areas you find some chairman imposed, maybe by the Vice-President or by some few bogus groups, and they are chairmen

[Mr. J. K. arap Soi]

of the branches. When you ask them to come round and sit for a proper election, nobody turns up. In the long run someone turns round and says, "Let us have the governing council to sit and discuss it." Who is supposed to be in the governing council? The chairman of those particular groups who are imposed on the people? This is stupidity of the highest order.

Mr. Speaker, I come to my third point, because I think my time is running very fast, and this is economical development of the country and development as such. When we talk of economical development, we touch on almost everything. I want to mention in this House that the Ministry of Economic Development is, perhaps, the best one for the development of this country. In other words, if there is no co-operation between the other Ministries and this Ministry of Planning and Economic Development, then the other Ministries can do nothing, or anything they do will not work. In this Ministry we expect to get the best planners for the economy of the country. If there is no co-ordination and you have half-and-half people in other Ministries who believe that they are good planners to plan for the country—For example, the Ministry of Agriculture—I saw the Minister, where has he gone to?—and water development: we have areas which are completely dry. I can tell you one thing, Mr. Speaker; that there are places where the Ministry of Agriculture has gone as far as implementing water development projects in areas where they did not have money to put into these projects and, at the same time, the Ministry of Economic Planning and Development have nothing to do with them and they never knew about this. The Ministries came to a head-on collision and now the whole damn thing has come to a stop. Is this development? Is this what we expect from the Ministry?

Mr. Speaker, Sir, my fourth point is about farming in Kenya today, which is the backbone of the whole economy, the whole development, the whole everything in this country. This is the life-blood of this country. The Agricultural Finance Corporation and the Agricultural Development Corporation and the Land Bank are already becoming political. When Africans now go into farming, buying land from the Land Bank, the next week the Agricultural Finance Corporation comes around and says, "You have got our Sh. 120,000 and you will have to pay this in two or three weeks' time or this farm is going to be sold on auction." Now, a man might have put down Sh. 100,000 on a farm as development because he has not been able to get a development loan from the Agricultural Finance Corporation because the land does not belong to him, it

belongs to the Land Bank. Therefore, by the time he gets a development loan from the Agricultural Finance Corporation, he has had to plough in some money from his own pocket to the land. Before he gets something out of his land, the Agricultural Finance Corporation comes around and says, "You have got our land and all this money, and unless you pay this money we are going to take your farm." Once they have taken his farm, he has to go out into the streets. Leave alone Sh. 100,000, but Sh. 50,000; if I put that amount into a farm it is my life's savings. I put it down on a farm and then the Agricultural Finance Corporation comes along and takes the farm with my Sh. 50,000. Where do I go? Is that not really creating more unemployment and putting someone down from the top to the bottom? How bitter this man is going to be, I do not know. How bitter this man is going to be like anybody else on the ground I do not know, because he is like everybody else and has lost all his savings as the Government has come around and taken his farm and savings and handed them to another person. In the long run I do not know who is going to buy the farms; it could be that the sixth person may be the only person lucky enough to buy the farm. In other words we are waiting for another policy to be formulated so that these farms can be bought by these Africans.

My fifth point, Mr. Speaker, is about education. I feel very strongly that the *Harambee* secondary schools are becoming too many and we are going to produce too many unemployables in the country. One thing, of course, is that the standard of employment is too high at the moment; you have to pass mathematics, you have to pass science, you have to pass English language and all these other things.

The Speaker (Mr. Slade): Order! Order! End of time.

Mr. J. K. arap Soi: I beg to support, Mr. Speaker.

Mr. Gikunju: Mr. Speaker, thank you very much for giving me this time to say something about the Presidential Address.

Mr. Speaker, the exposition of Government policy, as it appears in the Presidential Address, is very encouraging, but its success depends not on what His Excellency's Address said, but it depends on how the Ministers and the civil servants will put it into practice.

Mr. Speaker, when His Excellency the President mentioned about the maturity of the Parliamentary, we felt that he has respect for the Parliament and, therefore, he has respect for the

[Mr. Gikunju]

Parliamentarians. He showed an example to the Ministers, to all of us, to the civil servants, that a Parliamentarian should be respected, because if a Parliamentarian is not respected, one who does not respect a Parliamentarian does not respect the persons that Parliamentarian represents. If you go to some of the Government offices, Mr. Speaker, and say that you are a Parliamentarian and you want to see a certain official, you may be turned down by the person at the gate saying that you cannot see the officer you wanted to see before you queue with the others who are there. I think that is disrespect towards the Members of Parliament and if such a civil servant cannot respect a Member of Parliament, it automatically shows that he cannot respect the members of the public.

Again, Mr. Speaker, I have seen examples where a member of the public is not attended to by a civil servant. A member of the public could knock on the door of an office while a civil servant is reading a paper in the office and he cannot even have the courtesy to tell that member of the public to please wait for a while because he is going to attend to him. He just keeps quiet and he does not mind who is waiting. Thereafter you hear Members saying that it is better to have the colonial rule that we had rather than having these people of ours for whom we fought. That is spoiling the Government and that does not give credit to the Government; and I think it is high time the Government found a way of disciplining such people; giving them seminars and educating them. We expect that the policy of the Government is mostly shown in the way in which the civil servants attend to the public.

I have seen, Mr. Speaker, where a ruling by a Minister was not followed by a civil servant, a provincial commissioner—imagine, a ruling by a Minister! If a permanent secretary cannot follow the ruling of the Minister, then what does this show, Mr. Speaker? It means he does not have any respect for Parliament, Mr. Speaker, which is very bad. I thought a Minister was at the top of a particular Ministry and if he gives a ruling then that ruling must be followed, Mr. Speaker.

Mr. Speaker, what I am trying to say is that we must be shown courtesy by the civil servants. Civil servants should not be wasting time by reading papers in the office, or making personal calls during working hours, Mr. Speaker. You can see a civil servant talking to a friend arranging where to meet in the afternoon. Should this be done in the office, Mr. Speaker? No.

The Assistant Minister for Finance (Mr. Balala): On a point of order, Mr. Speaker, the hon. Member has just made an allegation that

you find civil servants making calls to friends and wasting time; could he substantiate his allegation?

The Speaker (Mr. Slade): If he said he had seen it himself he need only say where he has seen it.

Mr. Gikunju: Mr. Speaker, I did not say where. Although I did not say the time or who did it, if substantiation is required, then I should be given time—say a week or two—and I will check and substantiate when I find such a case—

The Speaker (Mr. Slade): Order! Mr. Gikunju, when you are asked to substantiate then you must substantiate or withdraw. There is no harm in withdrawing if you find you really cannot give chapter and verse.

Mr. Gikunju: Mr. Speaker, I will withdraw.

Mr. Speaker, the other point I would like to mention is this. The Trade Licensing Act has done very well and has expelled some of the big traders who were an obstacle to our traders who are now doing business. There is something which should be corrected and that is about who is to refuse or deny a licence to a non-citizen. Mr. Speaker, in the rural areas the person who does this is the district commissioner, and he does this all alone, Mr. Speaker. I have seen a case in Kirinyaga where a non-citizen who co-operates with the African traders was denied a trade licence, and another non-citizen who is not co-operative at all with the African traders was given a licence. I think, Mr. Speaker, if we had somebody to refuse a licence, it should be a non-citizen who is not co-operative with the African traders who should be refused. It should not be the co-operative non-citizens who are refused and then keep the ones who are unco-operative, Mr. Speaker. I would therefore suggest that instead of one person being given this responsibility of deciding whom to refuse a licence to and whom to give one to, it would be better if the Ministry could find a way of having a committee formed consisting of the district commissioner, and a trade officer of the area who would be responsible for deciding who is to be given a licence, Mr. Speaker, and who is not to be given one. If it is only one person who is to make such decisions, Mr. Speaker, it possible he could make a mistake.

I have also seen cases in some places where business licences are denied to citizens and given to non-citizens in a certain business, and that is contrary to the Government's policy. Any civil servant who does this shows that he does not respect the policy of the Government, and I think the committee which I have suggested would help to avoid some of these things which are going on.

[Mr. Gikunju]

Another point I would like to mention, Mr. Speaker, is about the buying of farms. There are many complaints about the buying of farms, Mr. Speaker, where you find that rich individuals have more chances of buying farms than societies. I think this should be corrected because if it is not then there will be a lot of serious complaints from the citizens, and this is no good, Mr. Speaker. Mr. Speaker, if you were to allow somebody to buy land, then you would start with a society. If a society applied to buy that land, then you would give priority to the society but not to the individual, Mr. Speaker. This is being done through the Ministry of Lands and Settlement, and also through the Ministry of Agriculture. I think it is high time that priority in buying farms should be given to societies. In a society you have a number of the members of the public. But when an individual buys a farm of 1,000 acres, and a society of, say, 50 members is denied the chance to buy it, then this system is going to create a very, very bad impression. I think it is high time the two Ministries concerned discontinued this practice, Mr. Speaker.

With these few words, Mr. Speaker, I beg to support the Presidential Address.

Mr. Mate: Thank you, Mr. Speaker.

As I come from the rural areas, Mr. Speaker, there are a few points that I would like to draw the attention of the House to, and one of them is the Presbyterian Church of East Africa Hospital at Chogoria which, very fortunately, after many years in existence, has been lucky enough to obtain some money for development from the people of Germany and their churches, and also from the Kenya Government and from our own people in order to improve the hospital.

Mr. Speaker, for the sake of record I am told that this hospital is going to be enlarged to a capacity of about 200 patients, and that it is going to be one of the largest hospitals in the country. I must thank all the parties concerned, the Presbyterian Church of East Africa, the German people and the Kenya Government—and everyone else concerned—because it is going to fill a very important gap so far as medical facilities in Meru, parts of Embu, parts of Kitui and other parts of the country are concerned.

Mr. Speaker, I feel this very lucky coincidence needs the appreciation and assistance of the people of Kenya because I think it is exceptional. This is so because, as I have said in this House before, Meru has only one district hospital which is in Meru town. The other three hospitals, one is at Maua and is owned by the Methodist

Church; the other one is at Nkubu and is owned by the Catholic Church; and the third one is at Chegoria and is owned by the Presbyterian Church. The next nearest big hospital is at Kyeni, in Embu, and this again is owned by the Catholic Church.

Mr. Speaker, people in that part of the country do suffer very much due to lack of adequate medical services, especially the so-called free medical services. I feel this new opportunity of having a bigger and better hospital is going to mean better services for the people of that particular area.

My next point is about the Meru District Hospital. My friend here, the Member for Nyambene South, did raise a Motion on Adjournment some time ago, and the Ministry undertook to give the hospital better staff, and also more beds. Even today, the Government's own hospital in Meru is still understaffed and there is a shortage of beds—you find patients sleeping on the floor. I wonder what the Ministry of Health is doing about this because it is the only Government-maintained hospital in the whole district. The others are either mission or private hospitals. I hope the Ministry of Health is going to take up this particular issue and do as much as they can to improve conditions in the only big hospital we have in Meru. I do hope the Ministry concerned will take a note of this. It is very annoying as far as the patients are concerned.

Mr. Speaker, my next point is with regard to tea growing in Meru District. I have said in this House before that one division has been discriminated against by the Ministry of Agriculture, and that is Nithi Division in Meru—this is between Embu and Igoji. These people have been denied the opportunity to grow tea, like the other divisions, by the Ministry of Agriculture. The soil is as good there as it is in other parts and I cannot understand why they have been discriminated against. Mr. Speaker, I hope the Minister for Agriculture will take up this particular issue and let the people of Nithi Division in the southern part of Meru grow tea. The climate is good and it is really very, very annoying to deprive them of a chance to benefit from tea-growing.

That brings me to the next point which is on Chuka bulge. I wish the Minister for Natural Resources was here. The Chuka people have repeatedly put it to the Government that the forest comes too far down compared to Embu District and the rest of Meru, and they should be given a little bit of forest for the cultivation of high-zone crops like tea, grade cattle and so on. I do not know what the Ministry is waiting

[Mr. Mate]

for because they complain that the forest acreage in Kenya is far too small and if they interfere with even a little bit of forest there will be a water shortage. This is a pure fabrication because if the Chuka people were given a little bit of forest there it would not affect the water system or even the bulk of the forest in Kenya. It is not real forest, it is just wood. So I would appeal to the Ministry and the Government to impress upon the Ministry and the Agriculture people that the Chuka people need that little bit of forest for their tea-growing.

Mr. Speaker, let me mention one good thing: the Kaare Scheme is coming on very well and I thank the Ministry of Lands and Settlement for having pioneered this scheme in the lower parts of Mwembe Location in the Nithi Division. I think they need to be thanked.

I also want to remind the House and the Government about this. The old Meru-Embu Road, via Chuka and Igoji, is the road which is always used by the East African Safari competitors. This road is now a terrible shame for the people of that part of the country. It is such a big road, an important road to our people, to traders and even Government vehicles, for everybody who passes along the road all the time. It is in a very, very bad condition. I am glad the Minister for Works once did say that something was going to be done. But we want to know the date, Mr. Speaker, when this will be done. They have done the survey—when are they going to start the actual construction? When are they going to bring tractors? The *wananchi* do not want to hear of surveys, of aeroplanes coming to survey; what they want to see are tractors being used in constructing the road, Mr. Speaker. Between Meru and Embu there are so many schools—I can count 19 secondary schools—served by that particular road. I can count I do not know how many markets, how many Government stations, like the Embu Division in Embu, the Chuka Division in Meru, the Nkubu Division in Meru and the North Imenti Division which are served by this particular road. There are so many farmers who are also served by this particular road. This road was made back in 1913, manually by the people themselves. Why should the Government be so slow in improving this road. I would demand a date, from the Ministry of Works, when the Government is going to start construction of this particular road. I feel, Sir, that they have made the Meru people wait for a very long time for nothing. I hope that since the survey has been done that the construction work will be put in hand very quickly. I hope that this will mean

bringing in tractors because we are not interested in seeing surveyors. We want to see tractors.

The next and last point, Mr. Speaker, is with regard to the *Harambee* projects, like schools, health centres and so on. It is time the Ministries concerned initiated a survey in the whole country with the aim of finding out how many *Harambee* secondary schools and health centres have been opened, so that when they come to the planning they will include these particular schools and health centres in their plan. We cannot hope that the people are going to run these schools forever. This was a call for the people to show initiative. They have shown initiative. In my own constituency we have five *Harambee* secondary schools, six health centres, and we are having to run them ourselves. We do not have enough money to carry on with this, and the same applies to other parts of Kenya. I think the Ministries concerned should take over what belongs to them after a survey has been made. I think the Ministry of Economic Planning and Development should survey all these projects, bring them into their own general planning, incorporate them instead of starting their own general, extra Government schemes and letting the *wananchi* go without Government help. Thus in the future we can have all these projects, and the money and labour wasted incorporated.

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

Mr. Cheboiwo: Mr. Speaker, Sir, thank you very much indeed for giving me this chance to congratulate the President for his very excellent speech given on the 20th of this month.

I do not have much to say, Sir, because so many things have already been said by my hon. colleagues. So many things have been said about tribalism, nepotism, brotherization and the rest of it. There is always one answer which we always get from the Government when we say these things. If a Member brings a question to this House asking why in a certain Ministry all the vacancies from office messenger to the top man have been filled by people from the same tribe, the answer we get is that the matter will be looked into. This question of “being looked into”, Mr. Speaker, makes us very tired. We see these things happening in every Ministry of this Government. In English they say that prevention is better than cure. I believe, Sir, curing will be a difficult thing; so it is better for the Government to stop it completely before the trouble becomes worse.

We all believe what His Excellency tells us—Even this morning he was telling us the same thing in the Kanu Parliamentary Group Meeting, that

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we should kill tribalism. I agree with him: but this must be done by implementing what we always bring to the House. We do not want to be quarrelling in this House all the time because of tribalism. We all know that certain posts are being filled by people from a certain community. For example, one of the Members spoke here last week and said something on the five promotions in the army. There are so many capable people from the other tribes of Kenya. This is the feeling in the country and that is why I must mention this matter here again. There were five high ranks in the army and these were given as follows. One post was vacated by a European and was filled by a Mkamba; the second post was also filled by a Mkamba, then a Kikuyu, and so on. Why was there no Kalenjin promoted? I am sure there are many Kalenjin in the army who have served for a long time. I agree, for this reason, with what the Member who raised this question said. I am not tribalistic, but I must say what I feel. This thing must be stopped. Mr. Speaker, when I say this I must make it clear that I have no bad motives here at all. This is, however, a strong warning which must be heeded in future. These things must not be repeated again.

I do not want to dwell on this, Mr. Speaker, because my friends have also spoken on it and I am sure the President is going to take a very serious view of this.

I would like now to mention something about the proposed Kerio Valley Water Scheme. This has been mentioned several times. Mr. Speaker, this scheme covers two districts: it covers Baringo and Elgeyo-Marakwet districts. On the side of constituencies, it covers the whole of Kerio North, Baringo North, Baringo East, Baringo Central, Kerio Central and Kerio South. Here I want to appeal to the Government to send the experts to show our people what to do. Although they have sent a few experts, we would like them to send more because these are not enough. We want the experts to survey the scheme and show us where we can get water. We also want to know more on the question of communication. The first thing the Government must attend to is the question of communication in that part of the world. If somebody is killed in Kinyash for instance, which is at the end of Baringo District, the report will reach the police at Kabarnet, the district headquarters, which is at a distance of about 50 miles, after a week. This is because of lack of communication.

So, I feel that survey must be carried out first. I am not speaking for Elgeyo-Marakwet here, I am speaking for the Kerio as a whole. What is

needed very much is the surveying of roads. I am sure the army people who are already there have come to see how they can build good bridges and roads. I am therefore, asking the Government, once again, Mr. Speaker, to send more surveyors to survey where the roads will pass through. Roads must be constructed in such a way that when experts come to survey for agricultural purposes, there will be good roads throughout on which to travel.

The other thing, Mr. Speaker, is about the question of Baringo Farmers' Training Centre at Sabatia. This was suggested a long time ago and many questions have been asked in this House about it; but the usual answer is that the Government is negotiating with foreign governments. I do not know how long it will take the Government to get this money. There is great need for a training centre for farmers, because, at the moment, if farmers from Baringo want training, they must go to Chebororwa, which is very far from the district. I would like to urge the Ministry of Agriculture to take immediate steps to see that the project is started as soon as possible.

Another point, Mr. Speaker, Sir, is on the question of roads. I am appealing to the Ministry of Works to see that they look into the three proposed roads in Baringo District: one from Mogotio through Marigat, Kampi-ya-Samaki, Nginyang and through the other way in Kerio Valley. Another one is proposed to start from Eldama Ravine through Tenges, Kabarnet, Kabartonjo and joins the other one at Kinyach.

These roads are very useful administratively and agriculturally.

Mr. Speaker, Sir, I would like to touch on the question of unemployment relief. I believe that one way of getting rid of unemployment is by establishing more factories, not only in towns like the City of Nairobi, or any other big towns like Eldoret, Nakuru and the others. These factories should also be established—for example, the industry dealing with hides and skins—in such places as Baringo where we have a lot of sheep and cattle. This can be witnessed by the abattoir which was at Marigat during the colonial time. What we want for that part of the world is to start a factory like the one we now have at Kampi-ya-Samaki. We would like to have more factories. We have a lot of timber in Baringo from Lembus Forest, Katimok Forest and other forests. As I have already said, Mr. Speaker, we have a lot of sheep and cattle. It is therefore worthwhile starting an industry there.

Equally important is the question of land consolidation. In my own constituency this is taking place now; but the thing which I hate is

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that after six or nine months, you find the officers concerned telling people that there is no money for loans. I would appeal to the Minister for Lands and Settlement—I do not know where he has gone to, but I know he was here this afternoon—to discontinue this practice because as soon as our land is consolidated and registered we will be anxious to catch up with other people who are now able to get loans because they have land title-deeds.

Mr. Speaker, Sir, I do not have much to say on this speech apart from supporting it very strongly. I associate myself with those people who supported the speech given by His Excellency the President. With these few remarks, Mr. Speaker, I beg to support.

Mr. Pandya: Mr. Speaker, Sir, I am grateful to the hon. Members for giving me this fine reception, but I wonder if they will be as enthusiastic as they are now, at the end of my speech.

Mr. Speaker, Sir, the opening of Parliament is always the occasion for reviewing what has been achieved in the past, and I think it is important to review what the Government policy will be in the year that is ahead of us. That is why I find it rather difficult to understand some of the ill-informed criticism that has come out of this “opening” Speech of Parliament. You cannot expect a speech of this nature to include all aspects of development in this country. His Excellency the President can only highlight some of the salient features, which I believe he has done. It is surprising that now, in the seventh year of our Parliament, we should still have hon. Members who, because of lack of other material, tend to keep on speaking on the same questions.

Mr. Speaker, Sir, His Excellency the President has provided the vital and necessary leadership, not only for this country, but indeed for other countries of this continent. It is not only the people in this country who say so, but we have to look at the records of past years to note that leaders of other countries have paid tribute, in no uncertain terms, to the concept of African brotherhood which was so well emphasized by His Excellency the President. I think it is a matter of pride for this country that we have a leader of such eminence amongst us.

Mr. Speaker, Sir, His Excellency the Vice-President made what I believe was an excellent commentary on the speech and, indeed, during that period, he made some very significant points. I want to refer, as most of the hon. Members have done, and I may have different views on this policy of Africanization which is making tremendous progress, contrary to the criticisms of some

of the hon. Members who seem to live in a different world.

Mr. Speaker, Sir, let me make one point very clear so that there is no misunderstanding. I have always advocated and supported this policy of Africanization because I feel that our people must be given the opportunity of increasing participation in the economic, commercial and other sectors of this country.

Mr. Speaker, Sir, I think it is also important, and it is my bounden duty also to suggest certain measures so that the law should be made more effective and, indeed, more workable. Mr. Speaker, it has been acknowledged by people who are knowledgeable that we have suffered a decrease in trade during the last year, and I agree, that this can be attributed to various factors like the delays in delivery of orders, selling of stocks and so on. But it is important to know, and I remember, Mr. Speaker—it was actually reported in newspapers—that at a meeting of the Kenya National Chamber of Commerce and Industry, it was recognized that the Trade Licensing Act has had an adverse effect on trade and that there will be a continuous falling in trade activities during this year.

Mr. Speaker, I am glad that the hon. Members have so far not disagreed with me because they know that I always speak of facts only. It is better to take a realistic view on this matter than to live in a fool's paradise. Mr. Speaker, Sir, many hon. Members have criticized the Government that Africanization has been very slow and that there are still very many non-citizens engaged in commerce, particularly in areas like Nairobi, Mombasa and probably in some of the rural areas. I believe that the Government is doing its best under the difficult circumstances, to implement this Act. I would like the hon. Members to note the number of shops that have been vacated following the enforcement of the Act and how many of these shops are still remaining empty.

Mr. Speaker, Sir, what are we doing to ensure that these shops which have rightly been vacated will be filled up by competent and able people who have the necessary background and the know-how and experience of commerce. It is no use coming to the House to criticize the Government without suggesting positive measures for putting our own people into these vacant business premises.

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

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

I want to warn the hon. Members that the speed of Africanization will depend on the capacity and the ability of our people and their speed to

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take over these businesses successfully. Let us not have these empty speeches here, particularly in this last year of this Parliament.

Mr. Deputy Speaker, the Government must be clear in its policy. I am so glad the Vice-President in his speech, said that there is no discrimination as between citizens of different origin. This is an excellent policy. I am sorry to say that this very Government, which has enunciated this policy here, has made several mistakes. These have been pointed out to the appropriate Ministers and I do hope, with all sincerity, that they will act in the best interests of all the people in this country. Let us stand by our principles. I do not wish for there to be any discrimination as between citizens and, what is more important, the image that this country has created amongst the other countries of the world, should not be tarnished just because some people have got a very limited outlook.

Mr. Deputy Speaker, I want to touch very briefly on the Immigration Act to which also His Excellency the Vice-President referred. We must admit that there are certain anomalies which are remaining. It is time the Government clarified these matters beyond any doubt whatsoever. Mr. Deputy Speaker, I know that I am well known in this House for bringing this matter over and over again, and this is one opportunity where I want to say that despite what the Government has said, not all the applications for citizenship made within the prescribed period have been processed. The worst result of this is that while these applications are still pending, people's work permits have been terminated and there have been difficulties over extension of these work permits while they wait for the applications to be processed. This is a very serious difficulty. I have often seen that the Government, when winding up a debate, does not reply and does not respect the views of Members, and does not even answer some of the points which we make in this House. I see some improvement at least today; yesterday the Front Bench was empty, but it is so nice to see that there are at least half a dozen Assistant Ministers and Ministers here, and I think we can probably see some more tomorrow. We are making tremendous progress.

Mr. Deputy Speaker, the other thing I would like to refer to here is the question of the returning students. I agree that they are probably foreign citizens, but their parents are here and they are in tremendous difficulty when they want to come back during their holidays, particularly when they have got return tickets. I hope that the Government will take some of these problems into consideration and try to smooth out these difficulties that have been agitating the minds of most of these people.

Mr. Deputy Speaker, another example of how the Government does not respond with respect to the points that we make here: I think it was about some six months ago that I raised the question of Uganda Members of Parliament—this is in your interest, the Member for Nairobi, or whatever area you are—eligible for exemption under the Income Tax Act. Although the Minister of State at that time, the hon. Koinange, assured us that he would look into this matter, to this day not one of the hon. Members are aware of what is our position. I have suggested that the Government should look into this, and if they want I can refer them to the East African Income Tax (Uganda Members of Parliament) (Exemption) Order 1968, which has been in force in that country since January last year. It was Legal Notice No. 4 of 1968 in the *Official Gazette* of the East African Community. I am sure the hon. Deputy Leader of Government Business has now made a proper note of that.

Mr. Deputy Speaker, can the Government now tell us the implications of this and state whether this sort of exemption order cannot be extended to Members of this hon. House?

Mr. Deputy Speaker, I wanted to give one or two other examples, but I will have to leave them for lack of time. I would like to say that His Excellency rightly emphasized the role of this National Assembly, and how much we can contribute to decisive leadership by personal example. This is the true essence of the upholding of our democratic institutions. Therefore, let us rise to this challenge without displaying in public that we are divided and thereby decaying the party that is in power. Let us demonstrate that we are determined to resolve our differences, which are human, and that we will work in the interests of this country and the nation as a whole.

Mr. Deputy Speaker, I share in the tributes that have been paid to Mr. Speaker, as he has played a valuable and vital part in upholding the dignity and traditions of this Parliament, and he has firmly founded the democratic ideals on which people will work in the future. History, I am sure, will record our contributions to the achievement of national aspirations for the benefit of the peoples. Therefore, let us, in all humility give our share to the success of our belief in democratic ideals.

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

Mr. Ochwada: Mr. Deputy Speaker, Sir, I also rise to associate myself with the hon. Members who have supported this speech.

Mr. Deputy Speaker, I would like to draw the attention of Government to the fact that a healthy society is a progressive society. Of late, the

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dioceses overseas have split the African dioceses to be independent, and a number of missionary hospitals—about 12 in Kenya—have run into financial difficulties because of this. I must point out that I very much appreciate the efforts of the Ministry of Health to keep those hospitals running, but unfortunately I must point out that the Ministry of Finance has not been very useful in this particular case. I would like to call upon the Minister for Finance to ensure that these hospitals are kept open for many years to come, because some of them are placed in such strategic areas that the services that they are rendering to the people of those areas are very important because of the lack of proper facilities provided by Government. I believe that the maintenance of such hospitals will help the people of these areas to progress and forge ahead with the economic programmes that we have already planned.

I would like, however, Mr. Deputy Speaker, with regard to a point raised by the hon. Pandya, to point out that the time has come when our Government should introduce a revolutionary and deliberate policy to transfer the commerce and industry of this country from the hands of those who might have been privileged in the past to the hands of the *wenye-nchi*, not the *wananchi*. This is the most important word and it should be noted. We have, of course, *wananchi* as well in this country, but they have been in a much more privileged position, even in the past. During the colonial times we had the *bwana mkubwa* at the top, the *muhindi* in the middle and the *wenye-nchi* right behind. When Mzee gave the order for about-turn, the person in the middle still maintained the middle position, and he still feels that he should hold that privileged position for many years to come. This we cannot allow to go on; we cannot allow that position to be maintained. It should be that the person who is ahead should remain ahead and must be in the limelight of whatever happens in this country.

I appreciate much of what has been done through the Industrial and Commercial Development Corporation, the Kenya National Trading Corporation, etc., but I think we still need a much more deliberate policy to revolutionize our economic development in this country, not only as far as land is concerned, but also as far as commerce and industry is concerned.

Lately, Mr. Deputy Speaker, I was speaking to a friend of mine who had acquired some business somewhere. He found out, when he went to the premises where the business was being carried out, that the rent for that same premises had been doubled. He had nowhere to go and appeal because the Rent Tribunal cannot deal with such

an affair because it is outside the scope of the activities of the Rent Tribunal. Therefore, this gentleman had either to accept the rent which had been fixed by the landlord or give up the business. These things, Mr. Deputy Speaker, cannot be accepted anymore and I would like to appeal to the Government to introduce a much more deliberate policy which will help us to get into business. If this is not done, we will only be wasting our time speaking here about Africanizing the commerce and industry of this country.

Secondly, Mr. Deputy Speaker, Sir, in his speech, His Excellency the President referred to Africanization of employment. I do appreciate what has been done by Government in this field; but I think there is much more that the Government should do as far as the private sectors are concerned. Much has been said in this House—questions have been asked, Motions have been moved—but not very much is being done. This House has even set up a committee to look into the Africanizing of the private sectors. I do not know what has happened to the report, and I do not know whether it is going to be brought up for debate in this House; but I think these things should not be overlooked because we are now moving towards a crucial moment, because perhaps within 12 months, or sooner than that, we might be facing a general election. Unless some of these things are carefully looked into they might be a weapon against our party. I want the Government to take very serious heed of this.

In his speech, Mr. Deputy Speaker, Sir, the President mentioned something about social services' development, and particularly self-help projects; he mentioned something about pilot schemes. It is true that United States Agency for International Development introduced some pilot schemes in three locations of this country: one was Samia and the others were Kabondo and Bomet. A report of the survey of the results of the pilot projects has been produced and it is a very, very interesting report. It has proved beyond reasonable doubt that those pilot schemes, in those locations where they were introduced, did quite a great deal to help those people in those locations to improve their social status, to do a lot in agricultural development as well as other development. I would like to appeal to our Government because the United States Agency for International Development is quite prepared to introduce more such projects in other locations and even to continue operating the three locations. I would like to appeal to the Government to consider seriously this offer and introduce, if possible, various other pilot schemes into other areas of this country, because it will help

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very much to teach our people how to help themselves so that they can help themselves in other development fields.

Mr. Deputy Speaker, Sir, on the side of agriculture. I have time and again appealed to the Minister for Agriculture to try and do a bit more work in this country rather than flying outside the country. We have Ministers in charge of various sections and some of the work that he flies out of this country to do could be done by other Ministers. However, if it is a question that he is the only capable Minister who can do those jobs, let him be given those Ministries and let someone else take this vital Ministry of this country. In this way he can go round with us to see for himself what is required. We now talk of revolutionizing our agricultural development—mechanizing. However, this person should be able to see for himself and realize the difficulties that people are facing, and then he will be in a position to plan what is required for X area, and what is required for Y area. We have time and again—I in person—appealed that there is a need to examine and, if possible, zone some cash crops. We have some well-privileged areas which can grow coffee, tea, pyrethrum, wheat, etc., and yet at the same time they are allowed to grow crops such as maize which can be grown in other areas where these crops do not grow. We should have someone to survey and examine what the producer reports. Perhaps zoning would help the economic development of rural areas which have not been privileged to be able to grow certain crops. For example, cotton: cotton can be grown around Lake Victoria; we cannot grow better coffee there and we cannot grow better tea, and we cannot even grow pyrethrum. However, you find that although we can grow cotton and maize, more cotton is being introduced elsewhere, rather than trying to give us more materials and more knowledge to enlarge on our cotton growing.

If these things are going to be concentrated in given areas only, and also industries concentrated in the same areas, then we should not be talking about development in the rural areas, because we are trying to cheat the people in those areas that they are going to get some development, when there is going to be no development at all in the areas.

Another point, Mr. Deputy Speaker, is communications and power. These are two very vital items as far as economic development is concerned. For example, we have all the hydro-electric schemes centered right in the middle of

Kenya. It will take many years—despite the fact that we are going to have a £50 million project within the next 25 years—to get this away from the Central Province. Why do we not, while we have this friendship—and I believe this friendship will continue—with countries like Uganda, who are near the western part of Kenya, extend their electricity line into the western part of Kenya so that we can help the people in that area to establish small cottage industries for development purposes?

If you look at the same area you will see that the roads themselves are in a shocking condition. It is not that we should blame the Government because we have to find the money to develop this area. However, whatever little that is made available to other areas, should also be made available to areas in the remote corners of Kenya. We should not only concentrate in the tea areas, the coffee areas, the pyrethrum areas, but let us look around and see whether we can balance our economic development projects throughout Kenya so that no area is left to complain about what is happening and what they expect to get out of our independence.

Thank you very much, Mr. Deputy Speaker.

The Assistant Minister for Tourism and Wildlife (Mr. ole Tipsi): Mr. Deputy Speaker, I just want to say a few words on this very important debate.

Firstly, Mr. Deputy Speaker, I think we are creating a situation that, I am afraid, if we are not careful, will prove to be difficult if allowed to continue without being put a stop to.

Mr. Deputy Speaker, there has been a lot of talk in this House about tribalism. This is a very dangerous disease and I believe that those who speak most about tribalism are the real architects of tribalism. I believe that if we take stock and take stock very, very seriously, I, for one, have not come across one politician of any standing rising on a political platform to encourage his audience on purely tribalistic lines. Once we come to this House there is a tendency to talk too much about tribalism. We are all out and dedicated to kill tribalism and create a one, united Kenya nation. We should really be concentrating on the best ways and objectives of achieving our goal immediately.

Now, Mr. Deputy Speaker, there has also been a lot of talk about some tribes being left out in promotions and so forth. However, I think that instead of trying to generalize things, those Members who feel very, very bitter about this particular issue should really come out clean and

[Mr. ole Tipis]

disclose whoever they have in mind who, in their own view and assessment, is more qualified and has been left out. We cannot really keep on talking about favouritism in promotions in the various ranks of our Civil Service; we must be specific. I believe that this is exactly what is lacking. Of course, Mr. Deputy Speaker, we must also be prepared to call a spade a spade. We cannot all be equal and this is a fact; it is not our fault, nor is it nature's fault. However, some people are more industrious than others and we must give the credit where it is due.

Mr. Deputy Speaker, I think that the best solution is for us to examine ourselves very, very deeply. It is no good uttering words here and paying lip service, whereas we mean things differently in the bottom of our hearts. If there is any favouritism, we all claim to be members of the Government; we all claim to be leaders of our people; and there is machinery and the proper channels to be followed to check whoever the culprit is in this exercise of favouritism or "brotherization". I think this would be the best solution to this most difficult problem.

Mr. Deputy Speaker, having said this, I now come to the second point which I would like to mention—which is that we should all be very, very thankful to His Excellency the President. We should thank him wholeheartedly for his great wisdom in appealing to all the thugs, all the thieves, to surrender genuinely and honestly and come back into the fold to play a useful part in the development of the country rather than continuing in this evil job of stealing with violence and breaking into peoples' houses and stealing their property and the rest of it. I think this applies to the members of the public as well, as we should help our forces to maintain law and order and help them whenever any information is passed to us as to the whereabouts of those criminals.

Mr. Deputy Speaker, I would also like to say something about another very important point with regard to development. The development of this country needs to be properly zoned out and to be well spread out to cover every part of this country. As it is, Sir, it is common knowledge that some areas which have a high potential take, for instance, in beef or dairy produce, and these have been left out and some very marginal areas for beef production have been given preference. This should not happen. If things were properly planned, then, of course, those areas of high potential would be given the highest priority possible, and maybe by provision of water sup-

plies in some of the dry areas then we could compete with the Argentine very well on the world market so far as beef is concerned.

Mr. Deputy Speaker, the other point which I was really surprised to hear being talked about was that the Trade Licensing Act has some adverse effects; and the old, old colonial saying that these people are not ready and that they do not have the know-how or the experience, being repeated again in this House. One cannot help asking whoever mentioned this word if those who possess the know-how have had the chance for the last 50 or 60 years, but what trouble have they taken, if any, to try to encourage the indigenous people of this country to participate fully and effectively in the economic life of this country. Now, despite the appeals by our Government to them, they have managed to do the best they could. The time has come and it is true that we have a few of our people who are not experienced; but I am very sure that, given the necessary training and every encouragement by our Government, they will learn the hard way and, as a result, they will make the best they can out of it.

My last point, Mr. Deputy Speaker, without being parochial on this issue, is about admission into our secondary schools. In this issue, Mr. Deputy Speaker, some areas have been more fortunate and have advanced more than others. Of course, the President has repeatedly mentioned in all his speeches that those areas which were left behind during the time of the colonial rule must be helped in order to catch up with the rest of Kenya. When it comes to the question of admission into secondary schools, Sir, it is true that secondary schools are under the jurisdiction of the Central Government so to speak, they are free to admit children from all corners of Kenya. In this particular area I would appeal to the Ministry of Education to be more sympathetic to those backward areas, so that those who pass the Certificate of Primary Education with good marks from given areas are given preference for admittance rather than drop them out and admit students from outside without an outlet for children from those areas.

Thank you.

Mr. Areman: Mr. Deputy Speaker, I rise to thank the President for his speech. I do not want to labour very much on this, but would like to make a few points, one by one, which maybe the President forgot to mention when he addressed the Chamber.

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

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

[**Mr. Areman**]

Mr. Speaker, Sir, the first thing I would like to point out is that in the Turkana District communications are very bad, and appear to have been forgotten completely. I was a little astonished when the President did not say anything about communications in the Turkana District. The hon. Deputy Leader of Government Business has been there and knows what the conditions there are like. I think he was there for about nine years, and even the Mzee himself knows what conditions there are like. I waited to speak until the Deputy Leader of Government Business was here.

Mr. Speaker, when an askari sends a Sh. 10 postal order to his mother by post, then she has to travel from Lodwar to Kitale, and it costs her about Sh. 10 to travel—yet she will only be paid either Sh. 10 or Sh. 20. She has to incur further expenses since she has to go back to Lodwar. This is what I wanted to point out and it is what I think Mzee forgot to mention.

Mr. Speaker, the police in Turkana District are forgotten. They are making Turkana District to be their home and in order to be given some orders that their place is still in Kenya and not outside Kenya.

Mr. Speaker, another thing which I would like to point out is about roads—

An hon. Member: Roads are communications.

Mr. Areman: Mr. Speaker, we have asked questions here about the roads in Turkana and yet nothing has been done. I once asked why we had been brought here and I was answered that we were brought here to bring Motions here so that we can discuss them and then the Government can agree to what we resolve and do exactly what the Members want.

MOTION FOR THE ADJOURNMENT

EMPLOYMENT OF SCHOOL-LEAVERS

The Speaker (Mr. Slade): I am afraid I must interrupt you now, Mr. Areman, because it is time for the interruption of business. You will have another five minutes when we resume the debate tomorrow.

Would a Minister please 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 Minister for Natural Resources (Mr. Nyagah) seconded.

(Question proposed)

Mr. Mbogoh: Mr. Speaker, Sir, since I gave notice of this Motion on Adjournment nearly one year has elapsed, but it does not mean that

since nearly one year has elapsed the question is out of date because this matter is now much more pressing and urgent than it was at that time.

Mr. Speaker, in this question, which was answered by the Assistant Minister for Labour, he stated that 3,554 Cambridge School Certificate leavers had applied for jobs through the so-called Kenyanization of Personnel Bureau and the Directorate of Personnel. Mr. Speaker, that was around June 1968, but now being nearly June 1969, we have had many more who left school during the year 1968 and who are still on the streets. Mr. Speaker, it is with great pity that I raise this question because at that time one hon. Member said that these school-leavers have been ignored many times, and that they go to the registration offices and the officers in the registration offices do not seem to like the way in which these school-leavers conduct themselves, and so they were very intolerant of the whole situation.

Mr. Speaker, it happened that two weeks ago—I have been trying to follow this up—I found that when I went to a certain personnel officer he would tell me there were no jobs but after a day or two you would find that some people have been employed in those offices.

Mr. Speaker, I happened the other day to go to one of them with a letter from the so-called Director of Personnel; and when the person who was holding the letter went to the office, she was turned away at the gate by the secretary and told that there was definitely no vacancy there. The personnel officer was not courteous enough to speak to this girl, simply because he felt it is useless to speak to her. Mr. Speaker, when the Minister was answering this question, he purported that they were still registering these school-leavers—but to a school-leaver registration means nothing. Even those who were registered last year are still on the registers and nothing has happened.

Mr. Speaker, it is true that if you go around my area you find school-leavers who left in 1968, after attaining School Certificate standard and passing in Division III, have not yet got jobs while those people who failed have found employment. What sort of registration is that, Mr. Speaker? This is very unfair.

Mr. Speaker, while the Assistant Minister was answering that question, he said the Government was conducting a survey with the co-operation of some industrialists of this country, to find out how they can alleviate this problem. Mr. Speaker, after that we never heard anything about it, we

[Mr. Mbogoh]

did not hear which industrialists co-operated, we did not hear who did what—they just kept quiet and said this is the school-leavers problem. Mr. Speaker, it is very interesting to see that the Government has not come out with any solution at all. What happens, Mr. Speaker, is that Africanization in the private sector is at a complete standstill, and is not taking place at all. Mr. Speaker, I say this with confidence because employers are not willing to Africanize at this stage. The Government has been saying that what they want is to introduce a voucher system which will give the local people a chance to get into business; but, Mr. Speaker, the employers are becoming very dishonest so that they term somebody who is just a typist as a technician. This technician, Mr. Speaker, is just a typist. When the Government officer goes around to look at it, since he is not himself a technician, he agrees that this man should be given a work permit because the employer says he is a technician.

Mr. Speaker, it is now the right time that our Government stopped accepting the non-citizen employers; and if it is a question of believing them, then they should believe them after checking and finding out the truth about these people. If it is a question about a technician, then he should undergo a test so as to prove what kind of a technician he is. Mr. Speaker, this leaves the public with a lot of suspicion. The public suspects that there is corruption taking place, and that there is brotherization taking place, although sometimes you may find it difficult to prove this. Mr. Speaker, the public feels there is corruption somewhere, and they do not believe these people are being given these vouchers fairly. Therefore, this is now the right time for our Government to stop dishing out these permits like *ugali* to non-citizens and concentrate on giving employment to the school-leavers who want the jobs.

Mr. Speaker, it is a very difficult time for these school-leavers, especially when you find that a school-leaver who has a Division I usually goes to University or for Higher School Certificate, and then you are left with the Division II and Division III and another Division called the East African Certificate of Education. If you go to any employer, Mr. Speaker, he does not want to hear anything about the East African Certificate of Education. He will turn anybody out who claims to have an East African Certificate of Education, because he thinks this is inferior, being a local qualification. They want Cambridge School Certificate, or they want it to be termed matriculation or things like that. These complicated terminologies, Mr. Speaker, are still with the employers

and even within the mentality of our own people. I think it is time that our Government took action to decolonize the mentality of our own people so that we can do something sensible. At this time, Mr. Speaker, when we are speaking of the school-leavers it is true that there are career advisers in the secondary schools. Sir, these career advisers tell the pupils, "You are good for this", and they get them to fill forms. I tell you, Sir, this is very absurd because once they do the examination and they pass, then the forms which they filled at school are not followed up by the Government Department responsible. They are stacked away in a cupboard and forgotten.

In Nairobi we have the Directorate of Personnel and the so-called Kenyanization of Personnel Bureau. There are thousands of children going there every day. When I went there the other day to check, the officer there told me that he had just enrolled about 1,000 people from last year's results of the Certificate. He also told me that among this number there were so many Division III people, so many Division II people. Funnily enough the people of Division III get jobs before the Division II people. This is really a queer thing.

The public feels that if somebody is qualified, he should be given a chance to take what he is qualified for, and to follow the career set out on the form he filled when he was at school on the advice of the career adviser.

I beg to move.

Mr. Munyi: Mr. Speaker, if hon. Members remember, time and again I have been speaking on this very important and delicate matter. The question of unemployment as far as school-leavers are concerned, Mr. Speaker, is a very delicate question indeed, and we should not take it lightly. Even Father Christmas and any other person knows this.

The solution for this is, first, the abolishment of the so-called Kenyanization of Personnel Bureau because it has completely failed in its duties; it has completely let down our Government. Today if you go to the Kenyanization Bureau you are told, "go there"; from there you are told to go to another place, then to the Directorate of Personnel. When you go to the Directorate of Personnel you are told a different story altogether. Therefore, Sir, you just do not know where you are.

Sir, our Government is following a democratic policy, our Government is a Government which does not want people to be deceived. How many times have Members gone to the Directorate of Personnel? How many times have Members gone

[Mr. Munyi]

to the Kenyanization Bureau and when they go to these places they are told that such-and-such a candidate's forms have been sent to the Directorate of Personnel. Then from there they were forwarded to the Kenyanization Bureau. Mr. Speaker, Sir, you fail to understand this. When you go to the headmasters they say, "Yes, So-and-so did fill the form and gave the air force as his first priority." When you go to the Kenyanization Bureau you do not find these forms there. Therefore, Sir, people wonder whether these forms have been taken to hell or to another planet. This is the time when we should be told things in the right way; we should not be deceived.

Another thing which we should be told is why there are so many people who have been given permission to work in the private sector or even in the Government Departments while they do not have work permits. I know very many such people. If today the Government is going to take action to see to it that people with no work permits are going to be expelled, we will create places for more than 5,000 school-leavers. These are the figures from the statistics. I would like one of the Members here to challenge me, even the Minister for Labour, and I will bring a very long list to prove what I say. I know that in very many companies people are working in a different capacity where once they worked as storekeepers. When you go there you are told this man is a manager. But this man was expelled from Tanzania, from South Africa, and yet he is working here. When you go into the details you find there has been some intrigue, some manoeuvring. It is high time this should be stopped. This kind of diabolical practice should be brought to an end. The Minister for Labour is in this House. How many times have we gone to him and reported to his Ministry that there are many people working without work permits. How many people are working contrary to the Act of Parliament which was unanimously passed in this House. Why does the Minister not take action? We must care for our own people.

Mr. Speaker, how many Indian school-leavers have you seen roaming about the streets? How many European school-leavers have you seen roaming about the streets? Today, Africans with degrees are found roaming in the streets of Kariokor, in Kimathi Street. When you ask them what they are doing they say, "My friend, I received this degree, I went to that company but was told to appear for an interview, to do another examination. I have all these certificates and yet I am asked to do an examination, to appear for an

interview." Mr. Speaker, this is not something which should be taken lightly. Government should set up a commission of inquiry to go into the activities of some of the companies which are deliberately discriminating against our people, discriminating against the majority of the people in this country. They are discriminating against the Africans, Sir. If a commission of inquiry is not going to be set up, then I am telling you that we are sitting on something which is similar to a time-bomb. You do not know when a time-bomb is likely to explode but it will explode. This is an explosive situation.

Mr. Speaker, I have in mind two candidates. They were asked to appear for an interview in the Kenya Air Force, they were asked to appear for an interview before the Kenya Army, to go to Lanet. When they went there they were told to do this examination and another. The candidates who came from Embu then found that those with lower qualifications were taken and those with higher qualifications, from Embu and Kakamega, were not taken. Why is this happening?

Recently the Assistant Minister for Agriculture, hon. Kariuki, came to Embu. He came to an agricultural institute there. We told him that our people from the Eastern Province are being discriminated against and something should be done. We gave him a list to show that we have qualified people in the Eastern Province. This Assistant Minister said that this must be corrected. Later I went to the principal of that institute and took the list that we had prepared for the Directorate of Personnel and the Kenyanization Bureau. We told him that these people had been given letters of acknowledgement telling them that they would be called for interviews. To surprise you, Sir, I will tell you that from that time until today those candidates were never called for the interviews. At the institute you will find there is no place, it is filled with people who do not have a General Certificate of Education or a First Division School Certificate pass. The same thing happens at the Kenyatta Hospital. Some young people applied because they wanted to become pharmacists. They were told to wait. Some time ago I was told that an interview was carried out secretly. When you go there you are told that all the posts are filled, all the places are filled, the candidates have already been chosen. You are then told that your names are on the waiting list. We are not fools, Sir, we are the people with good brains. Mr. Speaker, the efforts of the people in this House should not be ignored. We have the brains and knowledge, Mr. Speaker, we the people who have been referred to as monkeys. We are human beings and every day we

[Mr. Munyi]

notice what is going on. Mr. Speaker, I know of companies, East African Airways, Gailey and Roberts, and Colgate-Palmolive, which, when you apply, you are told, "We are waiting for something from the Kenyanization Bureau." What is this Kenyanization Bureau? An organization which has no plan and is completely bottomless. Mr. Speaker, we cannot tolerate such things.

Another thing, Mr. Speaker, Sir, which I will try to give, is this. It was very unfortunate that one of the hon. Members tried to say that our people do not have the technical know-how and they cannot trade. How many Kenya people are running businesses in New Delhi and Bombay today? The answer is none. I asked the Vice-President about it, Mr. Speaker, and he told me that there are no Kenya citizens in India. Therefore why should we allow these people to become citizens? Why should we allow them to trade whenever they have small businesses, which are sometimes transacted through the backdoor and which might affect our people? They do it secretly with small industries, there is one employment for these people and no other employment for Indians or for Europeans.

With these remarks, Mr. Speaker, Sir, I appeal to the Minister to take drastic action—and the sooner the better because it is becoming an explosive situation.

The Minister for Labour (Mr. Mwendwa): Thank you very much, Mr. Speaker. This is an issue which actually should be discussed without any emotion at all. I agree with Members, and I am with them regarding their expressions of sentiment and I entirely agree. Unfortunately, Mr. Speaker, Sir, I am in a situation where I am required to answer some of the things done by other Ministries. Mr. Speaker, work permits are issued by the Ministry of Home Affairs with the advice of the Kenyanization Bureau. This I admit.

Mr. Speaker, Sir, there are three very serious allegations here which must be taken up very quickly. This must be taken up because there is a challenge directed by the hon. Member who has just sat down who states that he knows that there are people working in Kenya without work permits. Mr. Speaker, the Vice-President the other day said that more than 300,000 shillings have been received as fines from companies who are employing people without work permits. This shows the Members that the Government is taking the necessary steps. I would like the hon. Member to come to my office tomorrow and, as he has said that he knows some of the people working in Kenya without permits, sit down with me and then we can put down the names of these people

who are working without permits. I promise this House that steps will be taken immediately by the Government.

The other charge which I would like to see proved is what the hon. Member said that he knows some school-leavers who are in Division III who have been employed in the Directorate of Personnel and that some Division II school-leavers have been left out. This is also another charge, Mr. Speaker, because if the Directorate of Personnel employs people purely on the basis of education, then there is no reason why there should be consideration of who is in which division. If a chap in Division III is taken, and another one in Division II left out, Mr. Speaker, there must be a reason why he is left. This could be because of tribalism, and this is what we want to find out. Therefore, I promise if Mr. Mbogoh will come with me then I will put him in the hands of the Ministry concerned together with the Directorate of Personnel to check this allegation. Employment of young people is not left to one Ministry at all.

Mr. Speaker, I have said in this House—and let me repeat it all again—that my Ministry is purely in-charge of people who seek employment which has already been created either in other Ministries or in the private sector. This is our job. If we are doing it wrongly—that is if there are jobs existing and I as the Minister of Labour I have failed to put people into these jobs, I will be blamed. But creating jobs is none of my business. I do not create jobs at all. The Kenyanization Bureau is only there to put the work-seekers in places where jobs exist. If jobs do not exist, Mr. Speaker, there is nothing my Ministry can do, and if the hon. Members of this Parliament think that the Kenyanization Bureau is not doing its work properly, then, as this is in my Ministry, I want the hon. Members to come to my office and tell me where it is failing. The only thing I have been told is the report from a committee on employment, which, Mr. Speaker, I have a lot to say on. I am a Mkamba, Mr. Speaker, and the Director of Personnel at the Kenyanization Bureau is a Kikuyu, not a Mkamba.

There are two very important things I want the Members of this Parliament to realize. Whether we shout in this Parliament or not, unless there are extra jobs, say by building hotels—we have a good example, Mr. Speaker, here; the coming of that Inter-Continental Hotel, has placed in jobs 500 people. The Nairobi Hilton, I understand, is going to put in jobs about 500 more people. These two hotels alone will employ about 1,000 new people. We have asked the managers of these hotels not to take people who are already employed but to take completely new

[The Minister for Labour]

people, who they will not take from individuals because I have asked them not to accept any letter from anybody. A few fellows come to ask me for letters, Mr. Speaker, but I have already told the chaps to ignore any letter whether it is from me or anybody else. I believe hon. Members of this Parliament are approached in the same manner by the school-leavers in order to give them letters to help to get employment. This has been stopped and I have said that there are now only two channels for getting employment. One is through Labour Exchange for those who are without a School Certificate, and the other one is through the Kenyanization of Personnel Bureau for those who have School Certificate and who are above School Certificate standards. These are the only two places for employment in the private sector. When we come to the Government, Mr. Speaker, it is the Directorate of Personnel, of which I am not in charge. However, I am not telling the hon. Members that I cannot look into any unfairness which has been shown in any Ministry like the Ministry of Labour. I am prepared to ask the Minister concerned to check this grievance if I can be provided, Mr. Speaker, with the facts.

The last warning, Mr. Speaker, is this. I think the time has come when we should tell our school-leavers to change their approach to life and employment. Some seem to think that the only place they can get a job is where there is a white collar employment. This is a very wrong

approach to life and work. They must be told right from the beginning when they are in Standard 6 or Form VI that they are being educated to go home and help their parents either in running shops or farms, or in doing any private work because this is what life is all about. If we make a noise here and tell them that the only place they can have a good life is by employment in a white collar job, Mr. Speaker, it will get worse year after year. Next year we are going to have more people unemployed and this will happen each and every year.

The situation is not going to be changed by talking in this Parliament but by seeing that more jobs are created and also the approach to life by students is changed. They must be prepared to work in gardens, in workshops, in factories, and in the fields.

In other countries, Mr. Speaker, whilst we are talking like this, there are students with degrees who are working on farms so that they can earn their livelihood.

Mr. Speaker, Sir, I beg to move.

ADJOURNMENT

The Speaker (Mr. Slade): It is the end of our time. This House is therefore adjourned until tomorrow, Wednesday, the 28th of May, at 2.30 p.m.

The House rose at two minutes past Seven o'clock.

Wednesday, 28th May 1969

Question No. 88

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

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

PRAYERS

COMMUNICATION FROM THE CHAIR

INDISPOSITION OF THE SPEAKER

The Deputy Speaker (Dr. De Souza): Hon. Members, I am sure you will be sorry to hear that Mr. Speaker is indisposed today with a slight touch of influenza, and I am sure you will join with me in wishing him a very speedy recovery.

ORAL ANSWERS TO QUESTIONS

Question No. 81

DIVISION OF KITUI AND MACHAKOS DISTRICTS

Mr. Munyasia asked the Minister of State, President's Office, if he would tell the House whether, in view of the fact that Kitui and Machakos were large districts, he would consider dividing Kitui into two districts, and Machakos into three districts so that the entire inhabitants would have better administration and more rapid development.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. The subject of changing boundaries in the whole country has been suspended by His Excellency the President, with a view to setting up a commission to submit recommendations on all affected areas. Consequently, Mr. Speaker, I suggest that the Machakos and Kitui people wait and put up their grievances when the exercise is effected.

Mr. Munyasia: Mr. Speaker, Sir, while agreeing with the Minister, could the Minister tell us what were the reasons which led to the splitting of the following districts into two: Kirinyaga, Laikipia, Nyandarua and Kisumu and also how long are we going to wait?

Mr. M. Koinange: Mr. Speaker, Sir, that came much earlier than this question of suspension and the hon. Member knows about it.

Mr. Munyasia: Mr. Speaker, Sir, while agreeing further with the Minister, may we know how long we are going to wait? There must be a specific date.

Mr. M. Koinange: Well, I cannot give a specific date because that lies with the President but when he appoints the commission, then this Parliament will be told.

DETERMINATION OF CHIEFS' SALARIES

Mr. Kebaso asked the Minister of State, President's Office, if he would tell the House whether:—

- (a) The African Chiefs were paid salaries according to their seniority or according to the population of a location they were entrusted to rule;
- (b) if they were paid according to numbers they were ruling, was the Chief arap Chuma of Buret in the Kipsigis District paid more because of the size of his location; and
- (c) the Minister would consider assigning a G.K. Land-Rover to chiefs of big locations like the Chief of Buret to enable them to move about in such wide areas.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. With all due respect to the hon. Member may I say that the words "African Chiefs" are out of question because all chiefs are Africans. With that in view, Mr. Speaker, may I say this: that the salary scales of chiefs are based on capacity, suitability, seniority and promotion.

(b) No Sir; and

(c) the situation is already taken care of, and hence here is no need to assign Land-Rovers to chiefs.

Mr. Kebaso: Will the Minister clarify the meaning of the word "capacity"?

Mr. M. Koinange: Capacity is the ability of the chief to take the whole responsibility in his area.

Mr. Kebaso: Mr. Speaker, Sir, while appreciating the reply by the Minister, will he tell this House that "capacity" meant the bigness of a location? Since a location like North-Mugirango or Buret is 30 miles long, will he say how a chief can look after a location properly which is 30 miles long by walking? What does the Government mean by "Close Administration"?

Mr. M. Koinange: Mr. Speaker, Sir, any chief who encounters difficulties in his area, has the district commissioner and provincial commissioner who he can report the difficulties which can be taken care of.

Mr. arap Biy: Mr. Speaker, Sir, first I would like to thank the hon. Member for North-Mugirango who has asked this question on my behalf because I am the Member of the area in question. This is good co-operation.

[**Mr. arap Biy**]

Mr. Speaker, Sir, would the Minister elaborate on the reply given in (c) that the situation has already been taken care of. We would like to know how far this has been taken care of, and what machinery is used to take care of this.

Hon. Members: We want to know.

Mr. M. Koinange: Mr. Speaker, Sir, when chiefs, like any other administrative officers, have no Government transport provided for them, they are allowed to use their own cars or bicycles and claim mileage allowances.

(b) There are sub-chiefs to help in the running of the location and therefore, the size of any given location is not a problem as far as administration is concerned; and

(c) There are Land-Rovers for the district officers. These may be used by chiefs if there is need for them.

Mr. Mbogoh: Arising from that reply Mr. Speaker, Sir, will the Minister tell the House how chiefs may use the district officers' Land-Rovers, while we know that for the best part of the year, these Land-Rovers are immobile because of lack of fuel, and that the chiefs are not being paid their mileage allowances throughout the year?

Mr. M. Koinange: Mr. Speaker, may I ask the Member if he used the word "immobile" or "mobile"?

The Deputy Speaker (Dr. De Souza): Immobile.

Mr. M. Koinange: Sir, we have had no report, as far as we know, of where such immobile vehicles exist. We do not know of these unless they are reported to senior district commissioners and also to the provincial commissioners. If there are such vehicles, then we would like to know through the proper channels.

Mr. Tsalwa: Mr. Speaker, Sir, arising from the Minister's earlier reply in connexion with the capacity, suitability, responsibility and so forth, will he tell the House how for a new chief these new responsibilities are processed in order that he gets a sound salary?

Mr. M. Koinange: The very words used by the Member, the new chief, means that that new chief is new to responsibility. He gets an opportunity to learn. It is not that he is a new chief at that very second and becomes loaded completely. He gets the responsibility to know his area.

Question No. 97

TRIBAL POLICE AND SUB-CHIEFS' SALARIES

Mr. Kago asked the Minister of State, President's Office, if he would tell the House, since subchiefs were in charge of the adminis-

trative policemen and since these administrative policemen drew more salaries than the subchiefs, for good discipline, dignity and morale, the Government would consider raising the salaries of the subchiefs higher than that of the administrative policemen.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. The subchiefs' salary scales are elastic enough to provide for salaries which are equivalent or higher than the salaries of administration police. The subchiefs are expected to work with the constables and, normally, the subchiefs will be earning higher salaries. Due to the overlap in the salary scales, an administration policeman who has given longer service could be earning more money than the subchief who has given less service.

It is not necessary, therefore, to review the subchiefs' salary scales.

Mr. Kago: Mr. Speaker, Sir, since it is known that the starting point of a sub-chief is £90 and the starting point of an administration policeman is £135, how can the Minister say that the scale is elastic enough to be able, so to speak, to fit a sub-chief so that he can earn more than a constable in the scale when we know that, in fact, they do not earn so much?

Mr. M. Koinange: Mr. Speaker, one is actually not transferable.

However, it is true that the subchief begins with £90 per year and goes to £162 for Grade II; for Grade I it is from £171 to £240. The Member could work that out and know the reasons that I gave for this before.

Mr. Lenayiarra: Mr. Speaker, Sir, arising from that answer, will the Minister undertake to investigate this, because what he tells the House is not true? I know in my own district that the subchiefs earn much less money than the administration police.

Mr. M. Koinange: Mr. Speaker, Sir, as a person in charge of provincial administration throughout the country, I give these facts as they are, and yet the Members says that they are not true. I do not know in what capacity he says that the facts I have given are not true.

Mr. Kamuren: Mr. Speaker, Sir, arising from the Minister's reply giving us the scale for subchiefs, and view of the fact that we have at the moment some subchiefs who have gone to schools and are learned men, is this scale based on the newly employed learned subchiefs or is it the original scale made for the illiterate subchiefs in the country?

Mr. M. Koinange: Sir, on the question of appointment there is a reserve but, at the same time, the scale is adjusted accordingly.

Mr. Kago: Mr. Speaker, Sir, to enlighten this House and for the Minister's statement to be taken, that he is giving true concepts, can he give some examples of where some sub-chiefs have been given higher salaries than the point of commencement?

Mr. M. Koinange: That will depend on the number of educated or university-trained people who actually hold the post of chief. That is the point.

Graduates who have been given the list of illiterates. That is the point.

Mr. Godia: Mr. Speaker, Sir, since subchiefs have a very important responsibility in looking after the people in their own areas, will the Minister, therefore, consider raising the point of commencement of the salaries, from £90 to £200?

Mr. M. Koinange: The question of raising the salaries does not arise as a parliamentary question, with all due respect to the Member. It rests with the commission which looks at the salaries of the whole civil service.

Question No. 98

RULES FOR VISITING GOVERNMENT OFFICIALS

Mr. Lorimo asked the Minister of State, President's Office, if he would tell the House—

- (a) if it was true that there were regulations in each Ministry of the Republic of Kenya concerning entrance permits to see the following in their offices:—
- (i) the President of the Republic of Kenya;
 - (ii) Ministers and Assistant Ministers;
 - (iii) Permanent Secretaries;
- (b) what these regulations were;
- (c) who framed them.

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

- (a) Yes, Sir.
- (b) These are security regulations.
- (c) They are framed by the Kenya Government.

Mr. Lorimo: Mr. Speaker, Sir, arising from the answer that these are for security reasons, do these security reasons apply to Members of Parliament, and if they do apply to Members of Parliament, does the Government doubt our loyalty in wanting to visit these people?

Mr. M. Koinange: Mr. Speaker, the Government does not doubt the loyalty of the Members of Parliament. The regulations are not made for or against the Members of Parliament. These are merely regulations for all people.

Mr. Ondiek-Chillo: Mr. Speaker, Sir, would it be in order for the Minister to supply the Members with copies of the regulations he is referring to?

Mr. M. Koinange: This can be done, Sir.

Mr. Lorimo: Arising from that answer, that this is meant for other people, why is it that when we go to the Ministries, after we are told by the Ministers here that such-and-such matter can be settled in their offices, often a very junior Government servant tells us that we cannot see the Minister?

Mr. M. Koinange: Mr. Speaker, Sir, I do not know to which Ministry the hon. Member is referring.

The Deputy Speaker (Dr. De Souza): Do you want to elaborate, Mr. Lorimo?

Mr. Lorimo: Yes, I can explain, Mr. Speaker. Mr. Speaker, several times we have been told that instead of wasting the time of this House by asking unnecessary questions, we should see the Ministers, or Assistant Ministers before asking these questions. I have been to his own Ministry, Mr. Speaker, several times and I have been kept there for three hours waiting.

Mr. M. Koinange: Mr. Speaker, Sir, I am very surprised because that very Member comes to my office almost every time, and that he can stand and speak the truth in this House that he has been restricted is amazing. I can testify with all truth that that Member has been, more than any other Member, to my office to see me and it is most surprising that he should stand in this House and say that he has been ignored.

Mr. Lubembe: Mr. Speaker, can the Minister agree with me that it is difficult to trace him in the office because I am always meeting him in my constituency selling eggs in Kariokor?

Mr. arap Biy: On a point of order, Mr. Speaker, with all due respect to the hon. Member who has asked this question, I think we should really mean business here. I would like him to substantiate by giving us the time and the date when he met the hon. Minister selling eggs in Kariokor.

The Deputy Speaker (Dr. De Souza): Order! I do not think we can ask him to substantiate that, but I do think the question was very unfair, because, after all, what we are discussing here is not the private business affairs of any individual, whoever he may be; we are discussing the question of regulations made by the Government to enable persons to see particular Ministers, Permanent Secretaries, etc. We are looking at the abstract question, and I think it is quite wrong to ask a question which is, in fact, a severe

[The Deputy Speaker]

personal attack. I do not think it is in order. I am not going to rule it out because the damage, for what it is worth, has already been done.

Mr. J. K. arap Soi: Mr. Speaker, on a point of order, I am seeking your ruling here and your guidance. Is it in order for a Member of this House to defend a Minister when the Minister himself is here? I would have liked to see a Member of this Bench defending the Government and the Ministers when they are not here, but is it in order, when the Minister is here, for him to be defended by another Member?

The Deputy Speaker (Dr. De Souza): It is perfectly in order. I do not think Mr. arap Biy was trying to defend the Minister—in fact, I do not think he needed defence—but I am saying that we are not discussing the personal affairs of Mr. Koinange, we are discussing particular regulations. Therefore, that question was out of order definitely.

Next question.

*Question No. 99***INFORMING M.P.S OF PUBLIC EVENTS**

Mr. Ondiek-Chillo asked the Minister of State, President's Office, if he would tell the House, why, although at the time of independence there used to be a policy that Members of Parliament were informed of the programmes for any public events in their constituencies, this policy has now been dropped.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. Public events are of different kinds, and may involve different groups of people. It is not correct to allege that all public events involve Members of Parliament in their respective constituencies.

However, Mr. Speaker, Members of Parliament are always informed by the parties concerned about public events which take place in their constituencies if it is deemed fit by the party so concerned that they be informed.

Mr. Ondiek-Chillo: Arising from that answer, Mr. Speaker, could I know from the Minister as to how Members of Parliament, who are actually representatives of their constituents, are not concerned with some public events? With which public events are they not concerned. Could he give examples, please?

Mr. M. Koinange: Mr. Speaker, Sir, may I know from the hon. Member to which events he is referring and in which he is interested?

Mr. Ondiek-Chillo: Mr. Speaker, in fact when the Minister was answering this question he should have had some knowledge about what

I was asking. Anyway, since he has asked me to elaborate on this: sometimes a Minister goes to one constituency—

The Deputy Speaker (Dr. De Souza): Put it in the form of a question.

Mr. Ondiek-Chillo: Is the Minister aware that there are some Ministers and administrative officers who visit constituencies of different Members and yet they do not inform them of their visits and the occasion or whatever they are going to do? Are you aware of that?

Mr. M. Koinange: Mr. Speaker, Sir, first I am not aware because in some instances a Minister could go to, for example, a wedding party which is totally outside the scope of Parliament, or some other event arranged by the department, or arranged from the provincial level. The Member should tell us to which one he is referring.

Mr. Odero-Sar: Mr. Speaker, Sir, would the Minister tell the House why just during this week the Provincial Commissioner of Nyanza visited Ugenya without informing me when I was there? He went to visit Ugenya constituency when I was there and I was not aware.

Mr. M. Koinange: Mr. Speaker, Sir, every provincial commissioner is actually placed by His Excellency the President to represent him in that province, and the provincial commissioner has the right to visit every part of his district at his leisure without letting any person know. He has the right to do so.

The Deputy Speaker (Dr. De Souza): Next question.

*Question No. 12***DEVELOPMENT OF GOIBEI WATER SCHEME**

Mr. Godia asked the Minister for Agriculture if the Minister would consider giving Goibei Water Scheme priority in Western Kenya since Goibei School was a boarding school for girls who required pure drinking water.

The Assistant Minister for Agriculture (Mr. Murgor): Mr. Speaker, Sir, I beg to reply. We fully agree with the hon. Member that the Goibei School should be provided with facilities for pure drinking water as soon as possible. Towards this end, we have instructed the Water Development Department to use all the efforts necessary to ensure that this scheme is given top priority locally, and for them to implement the scheme as soon as all the authorities concerned have agreed to the project.

Mr. Godia: Mr. Speaker, Sir, arising from the very satisfactory reply from the Assistant Minister, could he inform the House whether there is

[Mr. Godia]

any co-operation which he requires the public to put into the effort, together with his Ministry, in order to get the work finished as quickly as possible?

Mr. Murgor: Mr. Speaker, Sir, my colleague, the other Assistant Minister in Agriculture, visited the area last month and was very impressed by what these people have done. Although this school was not given priority as far as water is concerned by the Western Provincial Committee, we will try and assist them.

The Deputy Speaker (Dr. De Souza): Next question.

Question No. 13

LOANS FOR HAMISI FARMERS WITHOUT TITLE-DEEDS

Mr. Godia asked the Minister for Agriculture if the Minister would give instructions to local field agricultural officers that farmers in Hamisi who have good farms without title-deed should be considered for loans.

The Assistant Minister for Agriculture (Mr. J. M. Kariuki): Mr. Speaker, Sir, I beg to reply. The Agricultural Finance Corporation has always realized and accepted that farmers who have no title-deeds who can offer good security for loans should get these loans. The hon. Member, therefore, may rest assured that the farmers in his constituency, as well as other areas in the Republic where land has not been consolidated and where title-deeds are not available, will not, in fact, be denied Agricultural Finance Loans on these grounds.

Mr. Godia: Mr. Speaker, Sir, arising out of the very satisfactory reply from the Assistant Minister, can he tell the House what that "little security" is, because he has mentioned that there must be some kind of security offered by the farmers, but my farmers do not have any security apart from the land itself?

Mr. J. M. Kariuki: Mr. Speaker, Sir, the securities are that if your farm is properly kept you have got the land and then if you are farming properly there is some security which the Agricultural Finance Corporation can get hold of, and this is enough security.

Let me announce again here that from now on there will be no 50 per cent down with the Agricultural Finance Corporation; we have instructed them that they can now go ahead and give a 100 per cent loan if the farmer needs it.

The Deputy Speaker (Dr. De Souza): Next question.

Question No. 60

MAIZE FOR POPCORN

Mr. Munyi asked the Minister for Agriculture if the Minister was aware that a certain variety of maize called popcorn can easily be grown in Kenya because the climate is quite favourable for it; and was the Minister aware that the imported popcorn was being sold at a very high price of Sh. 1/50 and Sh. 1/80 per pound; and what action was the Ministry taking to reduce this price.

Mr. Kamau: On a point of order, Mr. Speaker, as the question answered by the hon. Assistant Minister for Agriculture was very interesting, Members would have liked him to elaborate more how we can get 100 per cent loans. Would I be in order, Mr. Speaker, to ask the Assistant Minister to elaborate a bit more?

The Deputy Speaker (Dr. De Souza): I sympathize with you, but I do not think this can be done now, I am afraid. Perhaps you would like to ask another question at another time and then it will be answered.

The Assistant Minister for Agriculture (Mr. J. M. Kariuki): Mr. Speaker, Sir, I was going to answer that and elaborate on it, but as you have ruled it out I would like it to be asked at another time so that I could elaborate on this.

However, Sir, I would like to answer the other question asked by the Member for Embu East.

The answer to part (i) is, no, Sir.

The answer to part (ii) is, we think it is reasonable.

Answer number (iii) is none.

Mr. Munyi: Mr. Speaker, Sir, arising from the answer that has been given by the Assistant Minister for Agriculture—who is a very dynamic Assistant Minister—is it in order for the Assistant Minister to give such an answer which does not correspond with what is happening, since we know very well that most of the people who are importing this type of maize for popcorn are non-citizens? What action is the Minister going to take to see to it that the importation of this type of popcorn is given to the African growers, and the people who are citizens? This is very important, Mr. Speaker, and he should support me.

Mr. J. M. Kariuki: Yes, Sir, I also support what he says but, at the same time, I would like to explain to my hon. friend that the Ministry is not aware that the variety of popcorn maize can easily be grown in Kenya. What we know is that our experience has shown that materials from a

[Mr. J. M. Kariuki] country like the United States cannot actually grow well because they are not adapted to our soils and climate in this country; they are also subject to diseases and yields are, in fact, very low indeed. Therefore, even if we give this to our local people with these problems—the low yields—this will certainly remain uneconomic for our farmers.

Mr. Munyi: Mr. Speaker, Sir, arising from that answer, is the Assistant Minister aware that although he was given a report that this type of maize cannot be grown in Kenya, we have got proof that this type of maize can do better in Kenya than it can in the United States of America. Therefore, the expert who told him so was completely mistaken. If I can take him to Embu, Mr. Speaker, I can give him a piece of land where he can grow this and it will prove that it can do better in Kenya than it can do in America.

Mr. J. M. Kariuki: Yes, Sir, I agree again, it is true that by breeding we can achieve a variety which will have the required popping ability—as the maize from abroad to make popcorn has to be a yellow or golden variety, and I would like to inform the hon. Member that if you do that and you plant this type of maize next to your other crop what will happen is that the other good maize around that area will definitely be spoiled by this other type of maize. We do not want to encourage this to happen in Kenya.

Mr. Muruli: Mr. Speaker, Sir, since the popcorn type of maize is quite expensive here, would the Assistant Minister tell us where this variety of maize has been tested and found not to be suitable? Where is the place this maize has been tested?

Mr. J. M. Kariuki: Mr. Speaker, Sir, I would like to inform the hon. Member that in 1968 the Maize and Produce Board gave permits to import 830 bags of 100 lb. each, and since this is a guide to the market, the demand required by many people was too low indeed, and so we would not encourage it. This is actually sold to some of the cinema places and many people do not seem to like it and so expansion is not—

Mr. Muruli: On a point of order, Mr. Speaker, Sir, I asked the Assistant Minister to tell us where experiments have been done on the planting of this maize: I did not ask him where it was imported from.

Mr. J. M. Kariuki: Mr. Speaker, Sir, I have just said that we have stations where we make these experiments and that is why I told the hon. Mem-

ber that this could not be done because the experiments have shown that we cannot get good yields from this popcorn maize.

The Deputy Speaker (Dr. De Souza): Next Question.

Question No. 82

FIELD WORKERS IN KITUI

Mr. Munyasia asked the Minister for Agriculture if he would tell the House the breakdown of all the field workers in Kitui District, and their grades.

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

On 20th February 1969, there was a total of 195 field staff working in Kitui District. Now the breakdown is as follows. Agricultural staff, a total of 139. We have agricultural officers and the Senior Agricultural Assistant, Mr. Mutysia. Then we have one assistant agricultural officer again, and there was one vacant post at that time because Mr. Mwakao went on an overseas training course. Now in the divisions, we have one assistant agricultural officer. In Eastern Kitui, we have one agricultural officer and in Southern Kitui, one agricultural officer. In the Better Living Institute near Machakos, we have one agricultural officer.

Mr. Munyasia: Mr. Speaker, Sir, while congratulating the Assistant Minister for the breakdown of 195 field officers, and also knowing the designations assigned to different divisions now out of these 195, could the Assistant Minister, tell this House, why the field workers from Kitui District alone, who actually were appointed in early 1940, have not been appointed to agricultural officers from that time until now? The agricultural officers he has mentioned are outsiders, why?

Mr. J. M. Kariuki: Here again Sir, we are faced with another tribal point. What I would like to say is the reason why we sent these officers on training courses abroad, is to try and get them to shoulder responsibilities in the district because they know it well. I cannot say that the reason we have removed our agricultural officer in Eastern Division, is because we want the acting agricultural officer there, Mr. Mumo, to take over the responsibilities. The hon. Member should be satisfied, that the Ministry is trying to do all it can to see that the people who understand the area best, are given responsibility there.

Mr. Munyasia: Mr. Speaker, Sir, this is very interesting. All the Assistant Minister has said is that the Ministry is trying to get Mr. Mumo into that position; now, what criteria, did the Ministry take in deciding to promote Mr. Mumo, who is

[Mr. Munyasia]

below K.P.E. standard, whereas, there are two School Certificate chaps who have been working there since 1939, but they have not been considered.

Mr. J. M. Kariuki: Mr. Speaker, Sir, it is well known that there are some people who passed their school examinations long ago and they may have better experience in the field than some people who have just come from school. It is understandable.

The Deputy Speaker (Dr. De Souza): Next question, Mr. Chillo.

Question No. 73

SHORTAGE OF DRUGS IN KUSA DISPENSARY

Mr. Ondiek-Chillo asked the Minister for Health if he would tell the House—

- (a) why Kusa Dispensary was always out of drugs, and
- (b) whether the Minister was satisfied that the drugs supplied there were being properly used.

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

Since the running of Kusa Sub-health Centre is not the Ministry's responsibility, the Ministry was not aware of the shortage of drugs until the 22nd of February 1969. The Kisumu County Council, which at present is being run by the commission appointed by Government, is responsible for Kusa Sub-health Centre.

Mr. Ondiek-Chillo: Mr. Speaker, Sir, while being grateful for the Ministry's initiative which they have taken to see that the drugs are supplied, may I then put a simple question like this; would the Ministry therefore—from 22nd of February onwards see that the standards of that Sub-health Centre do not go down to its former position whereby the drugs supplied were never used correctly? I am glad that since I put this question things have improved.

Mr. ole Konchellah: Mr. Speaker, Sir, I would like also to inform the hon. Member that the report we got from Kisumu, was that communication with Kusa, is very poor. During wet weather the road becomes impassable to any vehicle and, as a result, the centre runs short of drugs. I think the hon. Member has something also to discuss with the local people and, especially with the commission or the former county council, so that the roads are improved, then the people who deal with drugs can easily transport them to the centre. On the other hand, I am glad that the hon. Member appreciated the investigation done by my Ministry.

Question No. 79

DISTRIBUTION OF MISCELLANEOUS G.P.T.

Mr. Lenayiarra asked the Minister for Local Government if he would tell the House—

- (a) what criteria the Minister used in dividing the 50 per cent G.P.T. received from Nairobi City Council and Mombasa Municipality between the various councils in the country, and
- (b) whether the Minister would inform the House how much money was transmitted to the Samburu County Council in the way of graduated personal tax by the Nairobi City Council in 1967, and how that compared with the remittance made by the Ministry of Local Government in 1968.

The Minister for Local Government (Mr. Sagini): Mr. Speaker, Sir, I beg to reply. In accordance with the Sessional Paper No. 12 of 1967 on Local Government, 50 per cent of the graduated personal tax collections in Nairobi and Mombasa is transmitted to Government to assist in the provision of grants to county councils within the framework of the grant formula as set out under paragraph 69 of the Sessional Paper.

The actual transmissions made to Samburu County Council in 1967 by Nairobi City Council was £3,149 and by Mombasa, nil. In 1968, the Government transmitted to Samburu County Council, £2,909.

Mr. Lenayiarra: Mr. Speaker, Sir, arising from the answer, can the Minister clarify further and inform the House why some councils get more money from Government than others?

The Minister for Local Government (Mr. Sagini): Mr. Speaker, Sir, the answer to the question, in very clear English as to why they get more funds, is because local authorities in the Republic of Kenya differ. Some are very huge like Nairobi, and some are tiny.

Mr. Muruli: Mr. Speaker, Sir, it appears from the Minister's answer that at one time the Samburu County Council got nil, that means no tax was received from Mombasa. Does the Minister mean that there were no Samburu people living in Mombasa?

Mr. Sagini: Mr. Speaker, Sir, I cannot give that answer on the spur of the moment but that is the information I got.

Mr. Muruli: Mr. Speaker, Sir, could the Minister tell the House where he got the information that the Samburu people were not living in Mombasa?

Mr. Sagini: Mr. Speaker, Sir, if you want to be philosophical about this question, maybe some Samburu people who were living in Mombasa, had not reached maturity to pay taxes.

Mr. Aremam: Mr. Speaker, Sir, the Minister has clearly stated to the House, that there are no Samburu people living in Mombasa who can pay graduated personal tax, can he substantiate that? Does it mean that the Samburu do not have people in the police, prisons or any other work who can pay graduated personal tax?

Mr. Sagini: Mr. Speaker, Sir, I think it is only the Almighty God who could have those statistics now. I said maybe there are some Samburu people. What happens is this; supposing they fail to pay tax, they would still be Samburu people.

Mr. Lenayiara: Arising from that answer, and knowing very well that there are some Samburu people living in Mombasa, will the Minister inform the House why the Samburu County Council received more funds when the city council was handling the allocation of these funds than the amount received in 1968 when the responsibility was transferred to the Government?

Mr. Sagini: Mr. Speaker, Sir, the figure available to my Ministry for payment of compensation for lots of transmissions for graduated personal tax from Nairobi and Mombasa in 1968 was £640,000 in accordance with the sessional paper which was discussed in this House. The figure of £640,000 was an approximate figure based on the date available at the time of the preparation of the sessional paper. It was not until late 1968 that the final calculations of transmissions by Nairobi and Mombasa for 1967 were completed. The final figure was £692,783 and there is a difference, Mr. Speaker, Sir.

At present, I am negotiating with the Treasury about getting more funds in the nature of grants with which to help our local governments, not Samburu County Council alone, but all local authorities.

Question No. 74

NAIROBI MOTOR WORKERS' STRIKE

Mr. Mwatsama asked the Minister for Labour if he would tell the House—

- (a) whether the Minister was aware that the strike which occurred on Monday, 3rd February 1969, by Nairobi motor workers was due to an incident involving a European supervisor and an African workman at D. T. Dobie & Co.; and
- (b) why the employer failed to carry out the recommendations made after an official investigation by the Ministry's Letter No. ML/IR/II/D of 24th December 1968.

The Assistant Minister for Labour (Mr. Oselu-Nyalick): Mr. Speaker, Sir, I beg to reply. (a) I am aware that the strike in question was as a result of the firm's management's refusal to treat with impartiality two workers, one of whom was a Kenyan and the other one an expatriate. The House will recall that a full account of the events leading to this strike of 3rd February 1969, was given by me on 11th February 1969, in reply to Question No. 1529 by another hon. Member of this House.

(b) Following my Ministry's recommendations of 24th December 1968, the management of D. T. Dobie & Co., Ltd., agreed and implemented part of my recommendations by re-instating the Kenya employee who was to be disciplined by dismissal. The question of full implementation of our recommendations is now *sub judice* as both parties to the dispute met on 4th February 1969, and voluntarily referred the matter to the Industrial Court of Kenya for adjudication.

Mr. Munyasia: On a point of order, Mr. Speaker, Sir, do you not agree with me that there is so much noise that most of us cannot hear a word of the debate?

The Deputy Speaker (Dr. De Souza): I agree with you and I have shouted, "Order! Order!" a few times but some hon. Members insist on holding conversations and laughing very loudly at the same time. I appeal to the hon. Members to respect the speaker speaking at the moment.

Question No. 89

STUDENTS' USE OF BURSARIES

Mr. Kebaso asked the Minister for Education if he would tell the House whether the Minister was satisfied that students at our colleges used their bursaries properly and did not spend them on luxuries in town.

The Minister for Education (Dr. Kiano): Mr. Speaker, Sir, I am fully satisfied that the cash available for the students' pocket money does not make any allowance for luxuries. Each student receives only Sh. 310 a year as pocket money.

Mr. Kebaso: Is the Minister not aware of the fact that sometime back, a student from Nairobi University College wrote into a newspaper saying that all the money that the Government gives them as pocket money is used by some of them to pay for their brothers' or sisters' school fees?

Hon. Members: What is wrong with that? That is good.

Dr. Kiano: Mr. Speaker, Sir, the Sh. 310 a year that we give to the students for their pocket money is for them, but if they are so prudent and careful in using the money and save a little for something else, that is perfectly all right.

Mr. Kimunai arap Soi: On a point of order, Mr. Speaker, Sir, could the hon. Member, Mr. Kebaso, produce that paper which the student wrote?

The Deputy Speaker (Dr. De Souza): I know that in normal cases that is right but I think he is merely stating that such a case took place.

Mr. Kebaso: Mr. Speaker, Sir, I think the hon. Dr. Kiano had not replied fully when he was interrupted by another hon. Member.

The Deputy Speaker (Dr. De Souza): Had you finished replying Dr. Kiano?

Dr. Kiano: Yes, Sir.

The Deputy Speaker (Dr. De Souza): He had finished his reply. Carry on Mr. Kago.

Mr. Kago: Mr. Speaker, Sir, knowing that in some places and towns the cost of living is high, is the Minister satisfied that Sh. 310 a year is really enough for these students and if not, would he consider increasing it?

Dr. Kiano: Mr. Speaker, Sir, I am sure that the hon. Member knows that this small sum of Sh. 310 is not to be used for buying food, paying for hostel fees, buying uniforms or paying any fees—all of which are provided and the Sh. 310 is for small things like cigarettes or other incidentals that are not basically essential. I am therefore satisfied that Sh. 310 could meet any emergencies.

Question No. 90

AMERICAN STUDENTS IN NAIROBI UNIVERSITY COLLEGE

Mr. Kebaso asked the Minister for Education if he would tell the House whether it was necessary to admit American students into Nairobi University College when so many children of Kenya citizens could not get places in that college.

The Minister for Education (Dr. Kiano): Mr. Speaker, Sir, I beg to reply. The University College—it looks as if today, people are suffering from the laughing fever—as part of the University of East Africa, has to maintain a certain amount of international character. Indeed, only a very small number of outsiders are admitted and we always make sure that no Kenyan, Ugandan or Tanzanian student is kept out to give room to a non-East African student.

Mr. Kebaso: Mr. Speaker, Sir, I want a direct reply from the Minister, I was asking that if we always have to donate money to send students to the United States of America, why are those students not admitted to the Nairobi University

College and the Americans remain in their university instead of sending Americans here and sending our students abroad and wasting that money?

Dr. Kiano: Mr. Speaker, Sir, will you please make my voice audible by asking the hon. Members to whisper a bit lower than they are doing now? I can hardly hear the question myself. Could the hon. Member repeat his question because I could not hear it? There is a lot of activity on the Front Bench as you can see.

The Deputy Speaker (Dr. De Souza): Order! Order! I have appealed to the Front Bench thrice and I hope they will now listen especially Mr. Maisori and Mr. Kariuki to start with, then perhaps, we can hear very well what the speaker is saying.

An hon. Member: Point of order, Mr. Speaker, Sir.

The Deputy Speaker (Dr. De Souza): Point of order!

Mr. Shikuku: On a point of order, Mr. Speaker, this is the second time you have done this, and what will happen if there is a third time? Is it not time that you suggested that they leave the Chamber?

The Deputy Speaker (Dr. De Souza): That could happen but we hope it will not need to.

Mr. Obok: On a point of order, Mr. Speaker, I have noticed this afternoon that the Bench behind the Front Bench opposite me, most of the Members there are just laughing all the time and sometimes they even call some of the Members sitting on the Front Bench to join them. Mr. arap Biy is laughing all the time and sticking his teeth out. Other Members are also laughing.

The Deputy Speaker (Dr. De Souza): Order! Order! I do not think we want to go into details of the individuals concerned. However, Mr. Obok is right that there has been much more noise than necessary and more laughter than necessary in that particular direction. I do not think we want to go into this as a discussion but I would appeal to these Members to remain silent.

Mr. Kebaso, please repeat your question.

Mr. Kebaso: Mr. Speaker, Sir, why should we spend money, or collect money at public meetings to send students to America instead of having them admitted to our own colleges here? If we need to send them abroad, why can we not send them here instead of getting the Americans to attend our universities here, especially when many of our people do not have any place at which they can study?

Dr. Kiano: Sir, I would like to clarify the position for the hon. Member. In the first place, it is the policy of the Government today that the students who qualify to enter our University of East Africa shall do so and will not go overseas for higher education until they have finished their studies here.

Now, if, however, a student has qualified to enter the University of East Africa but wants to take a course that is not available at the University of East Africa, then that student may seek permission to enter a university overseas.

The other category is the students who finish their courses here but want to specialize even further than what is available in Nairobi or Dar es Salaam or Kampala, and those also are assisted to go overseas.

Lastly, Sir, because of the differences in the admission level for different universities—

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, whereas I do not like to interrupt the Minister for Education, I would like to say that there is a game of hide and seek going on. To whom should we pay attention, to the hon. Minister or to—

The Deputy Speaker (Dr. De Souza): To the Minister.

Dr. Kiano: Mr. Speaker, Sir, I really am having difficulties this afternoon because every time I try to be very philosophic in my reply, I find the spirit of philosophy does not obtain here.

I was giving the various categories of the students whom we encourage to go overseas, and I was just at the point of saying that because of the difference in levels of admission requirements there are some universities abroad which may accept a student who has passed School Certificate but may not have done Form V and Form VI, which is required by the University of East Africa. That category of students do collect money, as the hon. Member has said, to go overseas.

Sir, it should be realized that the presence of students from outside East Africa, that is, from other parts of Africa as well as from outside Africa, their presence in our university is a positive contribution to international understanding and the promotion of knowledge throughout the world.

Mr. Okelo-Odongo: Mr. Speaker, Sir, would the Minister tell the House how these students who come from other countries are selected, because we do not want to see our universities perhaps filled up by foreign agents?

Dr. Kiano: Mr. Speaker, Sir, I am perfectly satisfied that the hon. Member who asks this question is aware of how universities process the admission requests by foreign students. He, himself, applied as a foreign student to an American university and he was sufficiently screened to be found safe. We do the same here. We screen students to make sure that they come here for educational purposes, not for political purposes.

Question No. 61

CORRUPTION BY PUBLIC OFFICIALS

Mr. Munyi asked the Attorney-General if he would tell the House—

- (a) arising from a warning given by the Attorney-General a few months ago, that stern measures would be taken against public officials who practised corruption, how many cases of corruption had since been dealt with;
- (b) by what percentage had such cases been reduced since this warning had been given.

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

Of course, this matter of corruption is very topical at the moment. Quite a lot of people are talking about corruption and I wish Members would restrain themselves in these matters.

Hon. Members: Why? Why?

The Attorney-General (Mr. Njonjo): Mr. Speaker, I only say "restrain" because the proceedings in this House, I am sure the Members know very well, are privileged.

I am suggesting that some of the statements which are being made here are extravagant and some are not based on facts. I am defending nobody, Sir.

Mr. Speaker, on the—

Mr. Shikuku: On a point of order, Mr. Speaker, are we to believe that the Attorney-General is answering the question because whatever he is saying now is beside the point? Could he tell us how many have been convicted, and so forth, and not tell us anything about this matter, and give us a long list—

The Deputy Speaker (Dr. De Souza): Order! He is probably prefacing his answer with a little preamble. In view of, I think he says, the topicality of this issue, I think we ought to give him a little latitude in this particular matter.

I am sure he will come to the answer very soon.

The Attorney-General (Mr. Njonjo): I do not know why the hon. Member is being sensitive. He is the one who is prone to using loose language. All I ask is that one should be restrained in the language that one uses.

Now, Sir—

Mr. Shikuku: On a point of order, Mr. Speaker, the Attorney-General has said that I am fond of using loose language, when he knows that I have substantiated on several occasions whatever I have said in this House. Is he not loose himself?

The Deputy Speaker (Dr. De Souza): Order! Order! It is not going to carry us very far if we go on attacking each other and saying that others are using loose language.

I think what the Attorney-General meant was that probably you were not being concise or precise on certain occasions. In any case, that is a matter of opinion and I do not think it arises now. We will go on to the main issue.

The Attorney-General (Mr. Njonjo): Mr. Speaker, I say the hon. Member has been loose and I challenge him to repeat those statements, he has been making here, outside this House.

Mr. Obok: On a point of order, Mr. Speaker, I wonder if you can help us because it is becoming useless now.

The Attorney-General, in this House, should respect, also, hon. Members. He should not appear to be intimidating Members, that Members should repeat outside what they say in this House. Supposing they do say, what can you do?

The Deputy Speaker (Dr. De Souza): Order! Order!

I do not think any threat was implied. I think what he was saying is that some Members might be taking advantage of the privilege or immunity of this House. In any case, I do not think this arises on this particular occasion.

The Attorney-General (Mr. Njonjo): My answer to that, Sir, is that I will be the happiest man if these statements are repeated outside this House.

The Deputy Speaker (Dr. De Souza): Let us carry on now.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I made this statement about corruption on the 12th December last year. I was speaking against corruption and I was warning members of the public service and also members of the public sector—

Since then there have been 14 cases of corruption brought to court, and I am satisfied that investigations are being carried out, and in those

cases where we have sufficient evidence, people have been brought to court, they have been prosecuted and they have been sentenced to imprisonment.

I will wait for further questions, I am sure they will be coming.

Mr. Munyi: Mr. Speaker, Sir, arising from the answer from the Attorney-General, and arising from the fact that the Attorney-General is the one who warned the civil servants that drastic action would be taken against them if it was found that they were guilty of corruption, is it not true that ever since the Attorney-General gave this warning on the 12th December 1968 there have been some senior civil servants who have already been charged with corruption, namely the Chairman of the Rent Tribunal Court, people like the Resident Magistrate in Kisumu, and very many other people? Therefore, this shows, in no uncertain terms, that there are many civil servants who have committed this most serious offence which should be stopped forthwith, and it is high time that the Government should set up a commission to investigate what is going on in all departments, because there is corruption definitely going on.

Mr. C. Njonjo: Mr. Speaker, I agree with the hon. Member that quite a number of senior officials and people in high places—

The hon. Member has not been to court yet. If by "senior enough" the hon. Member means that we must prosecute a Member of Parliament, we are waiting for the hon. Member.

However, quite a number of senior people have been prosecuted—

Mr. Mbogoh: On a point of order, Mr. Speaker, when the Attorney-General purports that they are waiting for me as a Member of Parliament, when a Member of Parliament is not a civil servant, and this question deals with senior civil servants who are practising corruption, in which case, it means that it is referring to senior civil servants like himself?

The Deputy Speaker (Dr. De Souza): Order! Order! I think this practice in which one person, whenever asked a question, tries to blame somebody else who is interjecting, is quite dangerous. It does rebound as has just now happened. I think we should try and answer questions from an impersonal point of view, without referring to any particular individual either jokingly or otherwise because some people, particularly the outsiders, are likely to take it more literally and believe that, in fact, there is an insinuation that a particular person is being watched, or otherwise.

[The Deputy Speaker]

I would appeal to Members not to be too personal about these things but to treat them as general statements of policy involved.

Mr. C. Njonjo: Mr. Speaker, in fact, the matter will not rebound on me, it may rebound on the hon. Member because I said that senior Government—

What is the difference between a senior Government official or a senior civil servant? Or a public official, for that matter?

Now, Sir, I am myself satisfied that these matters have been dealt with carefully and I want to inform the House that even if a commission were to be appointed, you would get no more information than you are getting from— I do not think that a commission is the answer in this matter.

Hon. Members: It is.

Mr. C. Njonjo: In my view it is not. If the hon. Members think it is, then, of course, we are each entitled to his own opinion.

Mr. J. K. arap Soi: Mr. Speaker, arising from the first answer that 14 public officials have been prosecuted because of corruption, would the Attorney-General tell us whether these 14 are entirely public officers and, secondly, how many of the cases has he withdrawn from the court, and the reasons why?

Mr. C. Njonjo: The particulars are as follows of the cases I have mentioned. I cannot mention the names. I gave the number as 14. Since writing this reply, there have been three more.

Some have been police officers; one has been an auditor in local government, another has been a labour officer in the Eastern Province; one has been a chief; three have been members of the Kenya Police Force; one has been a Chairman of the Rent Tribunal; and this matter is *sub judice*. As far as I am concerned, no cases have been withdrawn where we have had sufficient evidence.

Mr. Makone: Mr. Speaker, Sir, arising from the Attorney-General's earlier reply, that if such a statement was uttered outside he would take action, is the Attorney-General, at the same time aware, that a church leader, a reverend, made a statement publicly, and it was in the papers, that corruption has gone to a stage where it is now, and he was ready to substantiate in a court of law. What do you do with such a person?

Mr. C. Njonjo: Mr. Speaker, I remember this person, it was the Reverend Aitken of the Presbyterian Church. He made a general allegation

and said there was corruption as, indeed, hon. Members have made general allegations in this House.

What I was asking hon. Members to do, is if they know of a particular case, like the one my friend there made allegations about here the other day, if he has information and he supplies it to the police, then, of course, the police will follow up the lead. That is all I am asking for.

The Deputy Speaker (Dr. De Souza): Order! I think we will now go on to the next Order. In fact, we have already had one hour and 15 minutes of Question Time, which is more than usual. I know there is great interest in this question but I think we will leave it for another day.

Next Order.

NOTICE OF MOTION FOR THE ADJOURNMENT UNDER S.O. 20

STATEMENT BY GOVERNMENT SPOKESMAN— ABUSE OF PRIVILEGE

Mr. Mbogoh: On a point of order, Mr. Speaker, I am seeking to adjourn the House today to discuss a certain statement made by the so-called Government spokesman today in the papers. This statement alleges so many things against this House. I term it an abuse of the privilege of this House.

Therefore, Sir, under Standing Order 20, I wish to move the adjournment of this House to discuss this issue.

The Deputy Speaker (Dr. De Souza): Order! Order!

Hon. Members know that before any Member takes up the question of Standing Order 20 he is normally advised to see Mr. Speaker, in his Chambers, to discuss the matter so that he is fully versed as to exactly what is the point of principle that the Member wants to take up.

Now, I appreciate, and it is a great pity, that the Speaker is not well today and, therefore, could not come to the office. Very likely he will be available tomorrow.

I think this matter would stand another day and I feel the hon. Member would be well advised to meet the Speaker tomorrow and discuss the matter more fully with him. I am not ruling it out of order. All I am saying is that this can be discussed with Mr. Speaker tomorrow and he will give a ruling when he comes to the office. If he does not come, then I will discuss it with him and come to a decision tomorrow. Therefore, I am inviting hon. Members to leave this matter over till tomorrow when it is still in order.

Mr. Karungaru: On a point of order, Mr. Speaker, Sir, while agreeing with you on your ruling, is it not also true that you can allow us

[**Mr. Karungaru**]

to raise this matter on this question that the hon. Munyi has asked as a Motion of national importance in order that we may be told how far, on the highest peak, the corruption is now in the country, so that we do not have to wait until the Speaker is well while the matter is going completely out of our hands?

The Deputy Speaker (Dr. De Souza): Order! I am afraid this just shows the difficulties that hon. Members have in understanding exactly what is the point at issue here. Mr. Karungaru referred, I think, to Mr. Munyi's question which really wants to know how many charges and convictions there have been in court since the statement by the Attorney-General. Mr. Mbogoh, unfortunately, has not had any opportunity to discuss it with me, privately or otherwise, and therefore I am not fully aware of what exactly he has in mind. I have a vague idea of what is involved, but I am not quite sure and I think the right approach to this is to have a discussion with him to understand exactly what the principle is that he intends to tackle in this House and then to decide on the merits, or otherwise, of that particular principle.

As I say, I am certainly not ruling it out of order, but I feel that it is a matter on which a decision should not be given off the cuff; it is a matter that could stand another day and I do not myself see that raising it tomorrow will, in any way, kill the subject and it will still be very hot—if that is the point of view—and I would request you, hon. Members, not to follow it up today. You have made your point quite clear as the applause of hon. Members showed that there is quite a degree of support for Mr. Mbogoh's appeal to raise it as a point of order under Standing Order 20, but I do ask you to leave it until tomorrow and if Mr. Speaker so directs I will raise it.

If I may speak off the cuff, speaking for myself, again off the cuff, but without full discussion with Mr. Mbogoh, I hope people will have sympathy with it but we would like to discuss it fully.

POINTS OF ORDER

AUTHENTICITY OR OTHERWISE OF NEWSPAPER REPORT

Mr. Ondiek-Chillo: On a point of order, Mr. Speaker, whereas we would have liked to pursue that matter further, I would actually agree with you, but I have a different point of order.

Yesterday morning, Mr. Speaker, when I went to buy a newspaper I came across a publication by the *Nation* Press which actually indicated that

the hon. Member, Mr. Murumbi, was going to resign. Going through that paper there was nothing which was mentioned, apart from that publication which I have in my hand. Would I be in order, Mr. Speaker, to ask the office of the Speaker to clarify this decision; whether the publication was actually true or not? This is the publication I came across and if you will allow me, Mr. Speaker, I will lay it on the Table. Could the House get clarification as to what the situation is and whether the publication was false or not?

(The hon. Member laid the paper on the Table)

The Deputy Speaker (Dr. De Souza): I am afraid I am not able to vouch for the authenticity or otherwise of this particular statement in this particular leaflet; it may be sheer conjecture for all I know. I do not think it particularly arises on a point of order, and if Mr. Murumbi has resigned or is about to resign, I do not know, because this is a question for Mr. Murumbi to decide and not for this House. If he decides to resign, then it is for him to decide and not for anybody else. I am certainly not aware of his resignation and if he does resign, then I am sure hon. Members will be told about it.

If, on the other hand, the *Nation* has been publishing a false statement like this—if it is false, I do not know—then I am sure Mr. Murumbi can take it up with the *Nation* directly.

The Minister for Housing (Mr. Ngei): On a point of order, Mr. Speaker, I rise on clarification. As far as the Government sources are concerned, Mr. Murumbi is a Member of Parliament in this House and he has not resigned.

Mr. Obok: Mr. Speaker, I am referring to this poster that Mr. Murumbi is to resign from being a Member of Parliament: I wonder what action you think we should take against the *Nation*, because it appears that it has misled the country, not only people in Nairobi, that Murumbi has resigned or going to resign, and he has not resigned? Is that not slander which is misleading us?

The Deputy Speaker (Dr. De Souza): Order! I said earlier on that I do not think the House has to take any steps against any paper as to its conjecture of the conduct of a particular Member or his intentions which turns out to be wrong. If any action is to be taken, it is for Mr. Murumbi to decide what action he will take. It is not for us. Any Press might forecast tomorrow that somebody else is thinking of resigning, but it is not for the House to take any action in that particular matter, it is for the person to sue the newspaper if he feels like taking any action. I think we are getting too many points of order.

Mr. Oduya: Mr. Speaker, Sir, on behalf of my colleagues, I beg to move that this House has got confidence in the *East African Standard* with the way it has handled the public issue, especially on the expressions of Members of this House on matters of corruption.

The Deputy Speaker (Dr. De Souza): That is not a point of order, I am afraid.

Mr. Ondiek-Chillo: Mr. Speaker, on a point of order, while it was not only the *Nation* which actually—

The Deputy Speaker (Dr. De Souza): We are not talking of the *Nation* any more.

Mr. Ondiek-Chillo: May I know if the office of the Speaker has got any letter to that effect? *

The Deputy Speaker (Dr. De Souza): Not as far as I am aware.

Mr. Kebaso, I think this will be the last point of order as we do not want any more, unless it is something very special.

Mr. Kebaso: Mr. Speaker, this House is a national House and if it is a national House we must discuss national issues. The question of Mr. Murumbi is entirely individual and has got nothing to do with this House.

Mr. Makone: On a point of order, Mr. Speaker, in view of the gravity of this matter of corruption which the Attorney-General has termed as being topical, will the Chair direct that during the Presidential Speech this topic can be discussed?

The Deputy Speaker (Dr. De Souza): I think any hon. Member that is speaking in the course of the next debate is entitled to speak on any subject which is involved and is relevant, and that includes corruption or anything else. There is no reason why I should direct any hon. Member not to speak of it; he is entitled to speak on whatever he wants. As far as tomorrow is concerned, we will decide tomorrow.

DISCUSSIONS UNDER S.O. 20 AND PRIOR CONSULTATION WITH THE SPEAKER

Mr. Okelo-Odongo: On a point of order, Mr. Speaker, Sir. I am sorry, Mr. Speaker, Sir, because I know that you want to go on and I do not want to hold you back, but just for the sake of the record: generally before anybody raises a matter under Standing Order No. 20, he should discuss it with the Speaker before, but I thought that this was just a convention rather than one of the requirements of Standing Orders. In addition to that, Sir, you have appealed to the House that this matter be left until tomorrow. According to our Standing Orders you, as Acting Speaker,

have the powers to decide for the House to discuss this matter, so is this appeal outside Standing Orders?

The Deputy Speaker (Dr. De Souza): You are perfectly right, Mr. Okelo-Odongo, I could have given permission to discuss this just now but I have said—and I will repeat again—that it is normal practice, and in my opinion a very good practice, for any hon. Member who wishes to raise any matter under Standing Order 20 to see Mr. Speaker and explain to him exactly what is the matter he proposes to discuss. I have not, unfortunately, listened to the radio comment yesterday, but I still do not know exactly what Mr. Mbogoh has in mind and I cannot find out by asking him question and answer in front of everybody else here; it would be much better to discuss this so I know exactly and then limit the debate to the particular problem involved. It is not that I cannot take a decision; I do not want to take a decision at such short notice without acquainting myself very fully of the facts. I have said that as, unfortunately, Mr. Mbogoh could not leave it to Mr. Speaker as he is not here, then it is very likely that he can meet him tomorrow and come to a decision. It is a very important matter—and hon. Members are aware of that—and an important matter such as this should not be treated lightly and a decision made about it off the cuff if a decision can be postponed for one day, and perhaps a correct decision will be arrived at by tomorrow. Therefore, I felt, and I still do, that it is quite correct to leave it until tomorrow.

Mr. Mwithaga: On a point of order, Mr. Speaker, my point of order is this, now that you have tried time and again—

Mr. Ngala-Obok: No more points of order.

Mr. Mwithaga: Mr. Speaker, I believe that we have only one Speaker, and not Mr. Ngala-Obok. Mr. Speaker, now that you have ruled time and again that this matter be left until tomorrow and in your wisdom you know very well how it is when somebody hides in the Government and speaks for the Government as a spokesman—

The Deputy Speaker (Dr. De Souza): We do not want to get involved in the pros and cons of it.

Mr. Mwithaga: Mr. Speaker, let me say what I have in mind. Now, because the House can resolve to debate this matter, despite the fact that you wanted the hon. Member to come and discuss with you, and further because the matter is a national issue, can the House be asked to resolve to debate it and treat it as a matter of national importance?

The Deputy Speaker (Dr. De Souza): I am afraid that there can be no challenge to my ruling. I have made a ruling: I have asked the Members to wait until tomorrow, and there is no question that the House can pass a Motion just now. We can certainly wait until tomorrow and this is what we are going to do. We will now proceed and there will be no more points of order.

Mr. Shikuku: On a point of order.

The Deputy Speaker (Dr. De Souza): Yes, all right.

Mr. Shikuku: In view of your ruling on no more points of order, can we go to the next Order now?

The Deputy Speaker (Dr. De Souza): Quite right, I have ruled that.

Mr. G. G. Kariuki: Mr. Speaker, in view of the fact that Members would have liked to have discussed what you have already ruled out—I am not repeating that—Mr. Speaker, am I in order to move that—

The Deputy Speaker (Dr. De Souza): No more points of order please.

Mr. G. G. Kariuki: Not on that.

The Deputy Speaker (Dr. De Souza): No, no. I do not want my ruling to be challenged, and I think your preamble is quite clear as to what your intention is. It does not matter and so please sit down.

Next Order. Mr. Areman, you have still got five minutes to continue.

MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

THAT, the thanks of this House be recorded for the exposition of public policy contained in His Excellency's Presidential Address from the Chair on 20th May 1969.

(The Vice-President and Minister for Home Affairs on 21st May 1969)

(Resumption of debate interrupted on 27th May 1969) (Fifth Day)

Mr. Areman: Mr. Speaker, Sir—

An hon. Member: On a point of order!

Mr. Areman: Mr. Speaker, Sir, no points of order, let me go on.

Mr. Speaker, Sir, yesterday I was speaking about His Excellency the President's Speech which he made in this House last week. I touched on the police, I touched on communications, I touched on roads and I touched on trade.

Mr. Speaker, Sir, about trade in Turkana District: the Turkana people are not being given enough money for their own shops or anything at all.

Mr. Shikuku: On a point of order, Mr. Speaker, will you call the House to order because there is too much noise and we cannot hear the hon. Member.

The Deputy Speaker (Dr. De Souza): Yes, I will. Order!

Mr. Areman: Mr. Speaker, Sir, the district itself does not have a hospital, and in the health centre we have there, we do not have a doctor. The clinical assistant who is there cannot even treat the people who are there who are sick. When we have a sick person we have to take him to the Rift Valley.

Mr. Speaker, we have difficulties of water. Water is very essential; water, very essential. We ought to have some more boreholes in the district. Oduya, you keep quiet. Water is very essential and since Mzee and all the people who are leading our Government here now were there, they know the difficulties of Turkana. They ought to have the energy of giving the Turkana water. Now, Mr. Speaker, we have the lake in Turkana District, Lake Rudolph. Now, we wanted to have a factory whereby some of our people who are now in famine relief camps could be taken there. When they have the factory there these people should be given some jobs there and they can work and feed themselves.

Mr. Speaker, if we have this sort of thing the famine relief in Turkana may be lessened a bit. We now have about 10,000 people being fed by the Government in Turkana. Some are taken to the lake, some are taken to (Inaudible.) and some are taken to Fergusons' Gulf which is about five miles from Lodwar. When we get this factory these people should be given jobs and then this thing should be considered in the next time His Excellency the President gives his speech.

Mr. Speaker, I beg to support.

Mr. Kioko: Mr. Speaker, Sir, I would also like to join my colleagues and say a few words on this Presidential Address. I feel that this was one of the best Presidential Addresses and we should discuss it.

Mr. Speaker, Sir, I am going, first of all, to start with development which, of course, His Excellency the President stressed. There is a revised Development Plan up to 1974. I am wondering whether the other development which was planned by the Government since 1963 has

[**Mr. Kioko**]

been, first of all, implemented. I should say that most of the developments which were planned since 1963, after independence, have not been implemented at all. It was a surprise to me to see that there is this revised development every now and then, although most of this has not been implemented.

Mr. Speaker, I would first of all like to know—and I would also like to challenge—from the Government why most of their development plans have not been implemented before the new, revised one came out. There were so many who were put into the rural areas, particularly on the Members' constituencies and there was a need for water development, agriculture, etc., etc. However, most of these things have been omitted and not done. We see this new, revised development every now and then. To me I feel that this is quite unfair and I do not think those who planned and those who advised the President—and also those who planned the speech for the President—should have done so. We would like to see that when a plan has been planned that it has been implemented. I would say that I can remember the time when water development was planned and was supposed to be implemented in some parts of Machakos District, and to my surprise nothing was done at all. I would like to say in this one if there is any development, as we have been told now in the Presidential Address, we would like to see this fulfilled. I think there is something wrong somewhere in the planning Ministry, and I think there is something wrong somewhere in our Government machinery. First of all, when these plans are done the Ministers, Assistant Ministers and civil servants and Members of Parliament are supposed to be involved and see that these plans are fulfilled. To my surprise, Mr. Deputy Speaker, it is only a few Ministers who have been out to accelerate the developments which have been started since 1964/1965/1966. They mostly have been sitting idle in their offices, and I say that there are so many Ministers who have not visited most of the districts in Kenya since they have been in office. This is one reason why development has not been accelerated as it should have been done. The same thing applies to the Assistant Ministers.

Mr. Deputy Speaker, I have heard people talking about corruption. Tribalism and corruption is definitely present in Kenya, and no one should deny this. If he does then he should come with a complete statement of denial, but we do not only want to see a statement made by the Government spokesman. Who is the Government spokesman? Mr. Deputy Speaker, Sir, today in the paper, as you are aware, there was a matter which was an insult to the Members of this

House, and I am sure this is by the civil servants, who act as Government spokesmen and try to challenge the privileges of this House. I would tell them that if there is anyone who would like to be privileged as we are then he should resign from his position and go to the people to be elected and then he will be privileged to speak as we are doing. This is our right and I do not see why anyone should challenge it. We have every right to speak and we are to speak about whatever we think is not correct. There is nobody else supposed to speak because we are the only representatives of the people.

Tribalism and corruption are definitely present in Kenya and I still maintain, and support, my colleagues who have spoken about tribalism and about corruption, a judicial commission should be appointed to look into it, otherwise we will not be satisfied. I am sure the Members will seek the opinion of their constituents as I do. We would like the Government to look into this and I think the only solution is to have a judicial commission to go into these things and report to the country. I still maintain that there is corruption in the Civil Service, and there is tribalism in the public offices.

Mr. Deputy Speaker, Sir, I now come to another point. During the course of the President's Speech, he mentioned something about the Members being parochial. Mr. Deputy Speaker, whoever drafts the speech for the President should know that Members are not to be challenged. How are we being parochial? We have not been. When you speak on your constituency, it does not mean that you are being parochial. We have every right to speak on national affairs and we also have the right to speak on the affairs of our constituency, even of the villages in our constituency. I still say there is someone who was misleading the President, particularly whoever drafted his speech. Mr. Deputy Speaker, I repeat that those who draft the speeches for the President should be very, very careful and find out the most important things but not to try and challenge the Members of this House.

Mr. Deputy Speaker, Sir, I thank the President for the appeal he made to the criminals to come out and I am glad to see that ten of them have responded. What I would like to say on this is that the security forces should not rest at all. They should continue until they are sure there are no more criminals hiding anywhere. They must not slacken off because of the President's appeal because they might think that there is now no need for them to carry on, but they should continue until they have stamped out all these criminals.

[Mr. Kioko]

Mr. Deputy Speaker, as we said, our security forces have done very well and I would like to ask them to continue doing well until they have stamped out these criminals.

Another point I would like to mention, Mr. Deputy Speaker, Sir, is about education. I come first of all to the Peace Corps. Mr. Deputy Speaker, we have these people who come from outside our country and who are sent to us as Peace Corps to come and work particularly in our secondary schools. Mr. Deputy Speaker, I have proved that these people are useless. What we need, Mr. Deputy Speaker, is to have foreign aid in money so that we can employ our people who are loitering on the streets without employment.

Mr. Deputy Speaker, with these remarks, I beg to support.

Mr. Odero-Sar: Mr. Deputy Speaker, Sir, I would like to make a few comments on the Speech of the President when he was opening this House.

First of all, it is now becoming very unfortunate that whenever the President comes to open Parliament after the recess, the language used is English. I think, Mr. Deputy Speaker, Sir, that we here in Kenya are Africans and I think the time has come that whenever Parliament is opened, whenever we sit in Parliament we must speak an African language. It is very shameful when guests are invited here, most of them from Europe, America, or Asia, when they come here they think they are coming to see an African Parliament being opened, and when the President of the State begins to speak they hear him saying in English "Mr. Speaker, Sir". This is very shameful and means we do not have a language in this country. We must have an African language even if it means Kikuyu or Luo. Whenever something is African then it is something dignified. This is very shameful, Mr. Deputy Speaker. I think in future when Parliament is being opened an African language must be spoken in this Chamber.

An hon. Member: What African language?

Mr. Odero-Sar: It could be, Luo, Kikuyu or anything else. Whenever something is African it is very dignified. It is no use in our country it looks as if we do not have a language in this country. This is very bad indeed, Mr. Deputy Speaker.

An hon. Member: What language do you want?

Mr. Odero-Sar: We can speak Luo if they like because Luo is very easy to pick up.

Mr. Deputy Speaker, Sir, during the President's Speech, I thought he was going to say something about the political federation of East Africa. This is one of the pledges which Kanu used to get votes to come to power in this country. We have our people in Uganda, Tanzania, and these people are from Kenya and during this time, Mr. Deputy Speaker, these people are being subjected to discrimination because they do not get jobs there. Those who were employed during the colonial time are now being told to come back to Kenya, but the President who signed the manifesto, signed the Kanu pledges that after the independence of this country, Kenya, Uganda and Tanzania would bring about a federation of East Africa. When he was speaking here he never mentioned anything concerning that at all.

It is no use coming here thinking of one's own benefit, just about the affairs of Kenya, and we are all Africans and we want Kenya, Uganda and Tanzania to be united as one East African country. This, Mr. Deputy Speaker, we have been waiting for and the President of this country has never tried at any time to persuade the other leaders of Uganda and Tanzania to bring about the federation of East Africa. This is very shameful on his side and we want this to be done now.

Mr. Deputy Speaker, Sir, we know there are boundaries between Kenya, Uganda and Tanzania but these were put there by the Colonial Government and are just imaginary boundaries. In Kenya, we have the Teso; some of them are in Kenya and others in Uganda. When you come to the Masai, you find there are Masai in Tanzania and others in Kenya. When we come to the Samia, just near my home, some Samia are in Uganda and some are here in Kenya. These people would like, if the federation comes about, these boundaries to die by themselves. These are things which the British Government brought here to this country. It is no use using these lines which the British just imagined and brought here to divide the East African people. Mr. Deputy Speaker, the President did not say anything about Kenya people living in Uganda or Tanzania, and this is one of the things why he was brought to power, and when he has power in Kenya he just thinks of little things in this country, but he does not care about the people living in Uganda and Tanzania. We want to be one united East African people to work together as we like. It is no use dividing the tribes.

Mr. Deputy Speaker, Sir, another point is that all Members who have spoken here have been telling the Kenya Government about corruption and all this kind of thing, but I must tell this House that unless this Government—when they speak of national unity, they should know that

[Mr. Odero-Sar]

national unity is not a question of talking of mountains, fields and so on, land without people, the people living in this country are the tribes. We have different tribes and different communities here, and different races. The Kenya Government has been told by a lot of Members, both Kanu and KPU, that when people are being promoted in the Civil Service, if a Masai is not there, something is wrong somewhere. We would like all tribes in this country to be promoted in the army. The army we have today is just composed of Wakamba and Wakikuyu. In Ugenya, in my constituency, there have been many captains and other officials in the army, very young intelligent people, who have been given notice and they have been asked to resign and they have been told that this is for public security. They have been told to go home and stay there and some of them have been given pensions even before they have reached the age when they should be given pensions. These people are Kenyans and if they are not then the Government should tell us why if someone is a Luo in the army he should go home and stay there, and the Kenya Government should tell us where these people should stay. If they are not Kenyans, then they can be told to go to Tanzania or Uganda. It is no use chasing people from their jobs and telling them to go home. At home, they have nothing to do because they are young and they do not have any business there. They are fit to serve this country. I have seen this and I can even substantiate this that there are people who have been chased away from their jobs and are doing nothing at home.

Mr. Deputy Speaker, the President was talking of Kenya being a democratic country. Where is that democracy? I can speak here but I cannot speak in Ugenya in my constituency. I cannot speak and I am a Kenyan. I cannot speak to my people publicly. All the Ministers from Nairobi come to Ugenya and speak but I have to keep silent. In Nakuru, there are Members of Parliament from Kanu, and not from KPU, and they are not allowed to speak to their constituents, and when the President comes here he says there is democracy. We all know there is no democracy here. We must have freedom to speak. Today even civil servants, people like the provincial commissioners, the district commissioners and all the people under them, cannot say anything concerning this country because if they say something is wrong, then that is enough for them to leave the job. You are sacked because you have said something against the Kenya Government. Is this what the President was talking about here as democracy? We are told that he was one day

learning in England, and Russia and so on, and is that the democracy he has brought here to Kenya? People are now afraid of saying anything, Mr. Deputy Speaker.

Mr. Deputy Speaker, because the time is short, it is no use committing civil servants to involving themselves in politics.

Mr. ole Lemein: Thank you, Mr. Deputy Speaker, Sir.

I thank the President for his speech on the 20th of this month and I would like to raise some points in connexion with the speech. When we were given the Presidential Address, it was supposed to cover the whole of Kenya, but there are some districts of Kenya which were neglected by the British colonial régime and these were not covered properly. It is six years since we achieved our independence and even now those areas which had not been developed are still backward.

Mr. Deputy Speaker, on the side of education, still those districts like Narok, Kajiado, Samburu, Marsabit and other pastoral areas need more education. Formerly, during the colonial régime, we had boarding schools, primary boarding schools, for the people who were living far from the schools. They could send their children to boarding schools to be educated there. Since we attained our independence, those boarding schools have been closed down and have now become day schools, and many of the children who should have gone to the primary boarding schools have missed their education. People who are living far from the boarding schools missed their education. So we would ask the Government, if it is possible, to have more boarding schools for those pastoral tribes, and those neglected areas so that their children can be educated in boarding schools. Even civil servants who used to be transferred from one place to another, they could send their children to boarding schools to be educated there.

We know that during that time we had some primary European schools, or Asian schools, and even now some primary schools are still reserved for Europeans and Asians, and other rich Africans. Although it is not officially written as being reserved for the Europeans, but because of the high school fees, Sh. 2,000 or Sh. 3,000 nobody can afford to pay that amount in those schools. Some Africans cannot afford to send their children there, so they are reserved for the rich people, even some Africans, so we do not like to see some schools reserved for rich people. We would like all the schools to be equal in Kenya. We know of some secondary schools, Nairobi School, Lenana School, Eldoret Primary School, we know in all those schools the students are paying a great deal of money, more than Sh. 3,000

[Mr. ole Lemein]

per year which most of us cannot afford to pay. Those schools should be equal with other secondary schools in Kenya.

We thank our Government for giving Forms V and VI free education, and even some children are admitted to those schools where the fees are very high, and the Government used to help their parents to pay a quarter or half of the boarding fees which are charged by those schools. Mr Deputy Speaker, I think the time has come for our Government to take over every year some of the *Harambee* secondary schools or some of the primary schools which have been started by the people who want to educate our children who want places for admission in secondary schools. If the Government can arrange from every district, from every town to put up some of the schools which will be taken over by the Government this would help to educate our people.

Mr. Speaker, Sir, in the Presidential Address, the revised Development Plan 1969/74 shows that the Government has achieved a lot in some places, but we still need more to be done. We thank the Government for what it has done in Narok District, for giving us Government tractors for the cultivation of wheat and also in Mara, Kajiado and other districts in Kenya. But although we are given these tractors, some of the expatriate officers working there are not helping the people enough as we want them to. Sometimes they used to say that they had no money to cultivate certain locations, so we waited about three months, four months, until the rainy season had gone. So, Mr. Speaker, Sir, if the Government has offered these lands for the cultivation of wheat which we are very pleased about, and thank them for what they have done, then they should send good officers who know the difficulties of the people, or who are not coming there just to waste their time saying that we wait until we receive the money from the districts.

Mr. Speaker, Sir, we have also some people who have received money for wheat in those areas owned by their own races and want to get loans from the Agricultural Finance Corporation, because they have their own title-deeds. Sometimes they are told that they have no right to buy tractors because they have no title-deeds and the Government will not give them loans. We ask the Government not to ask for title-deeds, because if a person has wheat, it belongs to him, that area which he is going to cultivate does not belong to anyone else, it belongs to him, so there is no need to ask him to give his title-deed, and the Government should give him a tractor and deduct that money from the Kenya Farmers' Association for the loan that he took from the Government.

Mr. Speaker, Sir, another point which I am going to mention is about demarcation and consolidation of land. We thank the Government because, for six years, we have been approaching it asking them to send officers for the consolidation and demarcation of land, especially to my district, Narok. Mr. Speaker, Sir, nobody has been given a loan because our people have no title-deeds for ranching schemes either individually or in groups. This time although we have some land consolidation officers, we want more of them, because one person cannot cover the whole district and cannot collect fees needed in that district. We thank the Government for what they have done for the people of Kajiado and Taita districts who have been given loans from the Agricultural Finance Corporation and that is also to be done in Narok and other districts. More land consolidation officers should be sent so that they can visit every district to help the people. This is because unless our people have title-deeds, they cannot obtain loans from the Government, and their applications are rejected all the time. Although, when they send their applications they enclose Sh. 250 and those applications were not approved, their money is not refunded. This matter should be looked into by the Government. If the applications of Mr. X and Mr. Y are not approved, the money should be sent back to them.

Mr. Speaker, Sir, we know also some missionaries have started their dispensaries in some districts in the remote areas and we thank them for what they have done and would encourage them to come to these remote areas and help the people. We know about the Flying Doctor Unit which operates in most areas where vehicles cannot pass, and we want the Government to help those missionaries and the Flying Doctor Unit so that they will feel encouraged to help the people more in those remote areas.

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

Mr. Gatuguta: Mr. Speaker, Sir, I am pleased that I have an opportunity to speak on this debate which is very important. The President was able to give us a guidance on various problems that are facing our country and this is the time that we should elaborate on some of the points that we feel are very urgent and draw the attention of the Government to those points.

Mr. Speaker, Sir, I would like to start with the question of primary elections. His Excellency the President in his speech mentioned, and as everybody knows, he had already made an announcement on the 12th of December last year on the question of primary elections. This is what the

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country has been waiting for, and I would like to congratulate His Excellency the President for taking this step. I would like to warn any pressure group that is trying to work against the primary election because this kind of pressure group will be working against democracy itself. So, I think we should be straightforward and honest, and we must allow our people the right to choose their own representatives, and in fact, those who will be elected should be proud, because they will be elected on the mandate of the people and will not be ashamed of calling themselves Parliamentarians. But if they are elected by a small group, they cannot claim to be representatives of the people. I have consulted my constituency on this question, and I want to say with the authority of my people, that they want primary elections.

Mr. Speaker, Sir, the other point that I want to dwell upon is rural development. This is also a very important aspect of our country's development. Now without rural development our society will remain stagnant, so we must do something about it. It is not enough to develop our towns. We see how Nairobi is expanding with big buildings and all sorts of things, but Nairobi is not Kenya, Kisumu is not Kenya, Nakuru is not Kenya nor is Mombasa Kenya. Kenya has rural areas and the President was right when he said that emphasis will be laid on rural development. It is not enough for the President to make statements; it is up to the Minister concerned to the various departments concerned to take action to see that rural development actually takes place. Mr. Speaker, Sir, in my area for instance, and I think this also affects many parts of the country, a good water supply is very important for any development. I would ask the Ministry of Agriculture which is in charge of the water supply department to look into the question of supplying water to areas which are dry like Kalai, Ndeiya, Masai areas, North Eastern Province and other places. These areas must be given the priority, because they have no water and as you know without water, there is no development.

Another point, Mr. Speaker, Sir, is about roads used by co-operative officers who go to co-operative societies to check accounts books periodically. These officers will have to meet the problem of persons stealing money from the co-operative societies. At present, Mr. Speaker, Sir, a lot of money has been stolen especially from the Kisii Co-operative Society. Mr. Speaker, Sir, the Kisii Co-operative Society is really suffering from this, and no action has been taken by the Minister for Co-operatives, to bring these people to check the account books. I thought that this was a very

serious matter and the Minister for Co-operatives should take this matter up and rectify things with the co-operative society.

Another thing, Mr. Speaker, before my time is up, is about roads. Roads are also very important for rural development; but if you look in many parts of the country, the roads are very poor. The result is that people cannot transport their goods easily, especially during the rainy season. I therefore would like to ask Government to take a serious view on road development in the rural areas.

At the moment, most of these roads in rural areas are left to county councils to develop and maintain. I think that our county councils are not in a position to develop these roads to the standard required by our people, because most of these county councils have no money; so they cannot do it. It is therefore, not good for a Minister to tell us that it is the responsibility of county councils to build roads, when he knows very well that county councils have no money. If Government wants the councils to build these roads, they should give bigger grants to the county councils in order to enable them to do that; or else the Ministry concerned should take the responsibility of some of these roads and develop them. That is one of the ways that our roads will be developed.

The other problem facing the people who live in rural areas is the question of hospitals and dispensaries. There are not enough of these in the country. The Minister for Health must look into this question. Even the existing hospitals and dispensaries do not have enough trained personnel and drugs. There was a Question here this afternoon about some dispensaries which have not enough drugs. This is not the only case. Mr. Speaker, Sir, I know many cases of this nature in Kiambu, where dispensaries did not have sufficient drugs and when some sick people went there to be treated, they had to return without treatment, as there were no drugs.

Mr. Speaker, Sir, I have to speak quickly because my time is short. The thing which I would like to draw the attention of Government to is the question of commercial banks. I have spoken about the matter before, but I would like to know whether the Ministry of Commerce has really examined the question of how these banks grant loans. Our people who invest money in these banks are not benefiting from these banks. When an African goes to a commercial bank for a loan so that he can develop some business or buy something, he is not handled as a human being. The facility of obtaining loans is not given to Africans. Only a few people here and there

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get them, but the majority of our people get no benefit from these commercial banks. I would like the Ministry of Commerce to look into this question, because in any country, commercial banks are very important; they help countries to develop. If they confine their facilities to only a few people like Asians and Europeans, when will the African develop? This is the time when the African needs their help.

I would also like to talk a little about hire purchase companies. The financial companies which give loans to people to buy cars and so on do not observe the Act which we passed in this House. This is so because I know of some cases where cars have been taken away from people by commercial firms on the grounds that the people have failed to pay a very small part of their instalment. For example, there was a man who had purchased a car worth Sh. 30,000. He paid Sh. 26,000 and the balance was only Sh. 4,000. However, because he failed to pay one instalment, one of these financial companies went to take away this car. This is not in accordance with the Bill that was passed in this House. When we pass a law, there should be somebody to see that it is implemented and to see that these companies are not being too harsh on our people.

Mr. Speaker, Sir, I would now like to talk about private educational institutions. There are a number of them in our country, but I do not think that the Ministry of Education has looked into them. These private educational institutions charge their students a great sum of money yet they do not always give the proper education that is required. Our people cannot afford to pay Sh. 1,700 a year.

An hon. Member: A term.

Mr. Gatuguta: Yes, some charge Sh. 1,700 a term. The Ministry of Education must go into this so that they may be told to lower the fees to the standard of our schools, or else the Government must subsidize them; otherwise they will deny the opportunity to our people to go to these schools. This system, I submit, is full of colonialism and it must go. This is a colonial type of arrangement which must be done away with from now onwards.

I do not want to conclude my speech Mr. Speaker, without referring to what is happening in Rhodesia. I think it right to appeal to hon. Members here, when they talk, to remember that some of our brothers are still under the colonial yoke. We are happy here in Kenya because we are free to talk in this House and discuss what we want. On the contrary, our brothers in Rhodesia are still subjected to criminal activities

by the minority régime there, who have announced recently that Rhodesia is going to be a republic. We must be concerned because our President has said many times that Kenya will not feel completely free until all the other African people are also free. So I would like this House to condemn, in most honest terms, the attitude of the Smith régime of trying to suppress the African people there indefinitely without giving them their rights. I think all hon. Members will join me in this matter.

I would also like to appeal to all the African countries not only to go on talking and condemning, but the time has come when the African nations must take action against the Smith régime. Why should we allow a minority régime to remain in Africa dominating our own brothers and our own people? Something must be done about it. Mr. Speaker, Sir, I would like hon. Members to express their deep feelings about this question because our brothers and sisters in the colonial territories are suffering and they must be shown that we are with them morally and physically in their struggle for justice and democracy.

Mr. Kanani: Thank you very much Mr. Speaker, for giving me this opportunity so that I may also accord my thanks to the President for his Presidential Address.

Like my colleagues. I would also like to talk about some points which I have studied in that address. The President, Mr. Speaker, Sir, emphasized the 1969/74 economic projects. As I come from Busia District, I hope that in the new plans something will be done for that district and especially in my constituency, Samia, because from the time of independence we have not had any projects—no industries being started in the district. I hope that the definite economic planning projects will not leave out our people without building them some industries. I know that during the general elections in 1963, there were promises that in Samia or Busia District, there would be a textile industry, but we have not seen anything like that established up to now. There were rumours that we would have a cassava starch factory; it would have benefited our people. At present, we are trying to form co-operative societies for cotton and fish. We would like to have a fish industry or a factory to manufacture fishing nets. This would have probably been situated at Kisumu or Sio Port at Lake Victoria where there are fishermen. In this new economic plan, we hope that Government will try to prospect the iron ore in Samia Hills. We have a lot of it and this will be a very good investment if Government could prospect and find out how much iron ore exists in this land.

[Mr. Kanani]

Mr. Deputy Speaker, Sir, I should also accord my thanks to the Ministry of Lands and Settlement for bringing in land consolidation and registration. Without having our land consolidated and obtaining title deeds for our plots, our people cannot benefit by borrowing money to develop our land. This is a very good thing the Ministry is doing.

Mr. Odero-Sar: A point of order, Mr. Deputy Speaker, Sir, is the hon. Member in order to talk directly to Members in his speech or what is he talking about?

The Deputy Speaker (Dr. De Souza): It is not in order, but I do not think he is doing so. He is looking at those Members, but I think he is directing his speech to the Chair.

Mr. Kanani: Thank you, Sir. Therefore, Mr. Deputy Speaker, Sir, I would like the Minister for Lands and Settlement to step up this registration in Busia District. Our people are very pleased with the scheme of registering the land and they hope that the Government is going to be more serious. Our own people, Mr. Deputy Speaker, Sir, may not be interested in owning shops in the River Road, but they would like some loans to be given them so that they may develop or improve their trade in the rural areas. This, they cannot do unless they can borrow money. They either borrow money from the Industrial and Commercial Development Corporation or from the banks if they have been given their land title-deeds.

I was interested in the President's Speech or Address when he made emphasis on ranching; when he said that they were going to step up ranching in Taita and Kajiado, and I hope this scheme could be referred or implemented in our area because there has been a lot of bush clearing in my constituency and in Bunyara, where the hon. Mr. Osogo comes from, vast lands have been cleared of bush, and a lot of tsetse flies been driven out. I think that if such a scheme is brought in it will be very welcome.

Mr. Deputy Speaker, Sir, we in the Busia area have no hospital at all. We have only just began to build a hospital as we live very far away from the nearest hospital which is at Bungoma, 60 miles away. In my area, only a small mission hospital called Nangina is existing, and since the Government has decided to withdraw its aid, this hospital is going to have to close down shortly. I would appeal to the Ministry of Health to do something to contact the Ministry of Finance and aid this hospital, and also aid the project of the health centre and sub-clinic; which our people built by

their own efforts, because the one which was opened about a year and a half ago by the Minister for Co-operatives and Social Services, is still empty. There is no medicine and something must be done because our people have no other place where they can get treatment and medical help which is very necessary for our people. I, therefore, appeal to our Government, especially the Ministry of Health and Local Government, to do something so that these self-help projects already completed, are made use of, because by that they are encouraging people to work harder because they are being helped through their own efforts. If however they make a project complete like a health centre or a dispensary and there is no medicine, people do not like that happening and do not try to start any other self-help projects.

I also, Mr. Deputy Speaker, Sir, would like to say something on primary education. Seven years' education I think is not very helpful to our people. This is why you find a lot of unemployment, because some girls and boys, after leaving school at the age of 12 and 13 years, are not able to do anything useful. I would ask, Mr. Deputy Speaker, Sir, the Ministry of Education to consider this point and probably increase the period of primary education from seven years to nine years. So that when these youngsters leave school, they have grown up and probably can do something useful; and by doing two more years, probably they can learn a trade such as agriculture, carpentry, masonry, tailoring or domestic science if they are girls; something useful that could help them when they go to a high school or any other place.

With regard to education, you will see even the city is full of young men who have nothing to do although they have seven years' education. They are flocking to the city looking for jobs which they cannot get anywhere else. What do you think they are going to do? They will be tempted to steal; they will become a menace to society; they will have no shirts to wear; and the shoes which they brought from their homes will be worn out. They must look in the shops for new ones; where are they going to get them? Now, we are very much concerned with our young people, so something should be done to increase the period of primary education so that, when they leave school, they are mature and can do something useful. Agriculture, I suggest, should be included in their curriculum, because it is of no use going back to the land when you have no knowledge of what you are going to do on the land.

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

Mr. Kimunai arap Soi: Thank you very much, Mr. Deputy Speaker, Sir. I also beg to comment on the Presidential Speech.

Mr. Deputy Speaker, Sir, first I want to say something about rural water which many other Members have spoken about here, but this is particularly concerning our area. Mr. Deputy Speaker, Sir, in the President's Speech, I never saw a paragraph concerning rural water development and it is a very important thing. We cannot expect people in the rural areas to buy very high grade cattle, or to invest any money they may have borrowed from the commercial banks, the Agricultural Finance Corporation or any other person when they cannot get water. Water is a part of civilization and it should be there. Water is part of civilization, and a very important one. I want the Government to bring in a very definite policy concerning this water scheme.

Another thing is about agricultural loans. We hear that the title-deeds have been issued in other places, such as Kiambu, Embu, and so on. In the districts like Kericho, where people consolidated their land a long time ago, in the 1940s, you find there are no officers registering this land. This is a discrepancy which the Ministry of Lands and Settlement should look into. We have very good land, we have enough land to offer as security to the banks when we apply for loans but no registration has been carried out. This is a neglect of that particular district by the Ministry of Lands and Settlement. I think this Ministry should send some officers to all corners of Kenya, not only to particular places in Kenya. They should send some officers to Kericho so that registration of land can be effected in this place.

There is another problem in the same district, and this is the question of stock thieves. I am told there are track police. It is their duty to follow the stock thieves. These track police are posted in the scheduled areas such as Naivasha, Gilgil, Nakuru, but none of them are posted to areas like Sotik, Narok and such other places where there are so many stock thieves who steal cattle and run away.

I do not see how this Government is helping the poor man—

QUORUM

Mr. Lubembe: On a point of order, Sir, I do not think we have a quorum.

The Deputy Speaker (Dr. De Souza) No, we do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

The Deputy Speaker (Dr. De Souza): We have a quorum now. You may continue, Mr. Kimunai arap Soi. But, first, I have a request to make.

Hon. Members, before Mr. arap Soi continues, I would like to say that I have asked Mr. Mbiti Mati if he would kindly take over the Chair for a little while as Acting Deputy Speaker. I would be grateful if this was agreed to, to enable me to leave the House for a little while to keep an appointment.

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

[The Acting Deputy Speaker (Mr. Mati) took the Chair]

Mr. Kimunai arap Soi: Mr. Acting Deputy Speaker, I was speaking of the track police on the borders. I said that more police, whose duty it is to follow cattle thieves, should be posted along the borders.

The public has suggested that communal punishment, when cattle are stolen, should be imposed. This is a genuine proposal by the people in the rural areas.

When I read the speech again I do not see a proper policy concerning education. We find that there are so many pupils leaving Standard VII in the country. They leave Standard VII and are unable to join secondary schools, not because they are not bright enough to do so but because there are no secondary schools to which they can go. I would have thought that the President would have announced that all *Harambee* secondary schools will be taken over by the Government. This would have helped our people, who are very highly taxed at the moment. The people fail to run the *Harambee* secondary schools simply because the taxes are high; these *Harambee* secondary schools are not paid for by the Government. In some cases you find that so many pupils pass their examinations and they are discriminated against—like the pupils of Kericho District. There are those pupils from Kericho District who pass in the Rift Valley Province and then the pass marks are raised because the children there are brighter than those of other districts so that they can then send in some pupils from other districts. This is a very serious offence which the Ministry of Education has committed. They have discriminated against our pupils and I think they should now take over many secondary schools in order to accommodate these pupils.

Another thing is about the *Harambee* collections. The Government *Harambee* collection is carried out by the chiefs, district commissioners and many other officials. This prevents people in the rural areas from collecting *Harambee* money for dispensaries, *Harambee* schools and so on. In some places district commissioners issue orders

[Mr. Kimunai arap Soi]

to the chiefs not to allow people to collect *Harambee* money because collection for the Army Memorial Hospital is going on. I think this is wrong. The collection for the Army Memorial Hospital should only be made in Nairobi and the rural areas should be left to collect money for their own projects. This is now taking too much money from the rural areas.

I come now to the question of the settlement evictions. In the settlement schemes so many people are being evicted. This is because of the failure of the Ministry in not seeing that the interest on the loans given to the farmers is not too high. An interest of 6½ per cent is very high for a small farmer to meet. Now, this interest accrues from year to year and thus the settler is prevented from repaying the loan. What the settlement people do is simply to rush in and evict the tenants. They evict families and treat them in any way they like. I think the Ministry should look into this, and should not be ready to evict but instead should listen to the problems of the farmers.

The President should also have given orders to private firms in Nairobi. There are so many people—as many as other Members have said—looking for jobs, for minor employment in Nairobi. If the manager of a firm is, say, a Kikuyu or a Luo, what he does is to employ people of his own tribe. If he is a Kalenjin, then he employs Kalenjin. This is a very serious thing which is happening, and it has been carried on for some time now in Nairobi. I feel the Government should look into this issue so that the people looking for jobs can be employed. The Ministry of Labour has left people at the mercy of these unscrupulous managers.

Then there is the issue of the Transport Licensing Board. So many districts are not given licences to operate lorries. For example, if you look at Kericho District, you find that people from Nairobi are given transport licences to trade in the rural areas. Other people from this particular area in question have bought lorries but none of them has been given a licence to come right up to Nairobi. To appeal in the courts costs a lot of money. These people have spent their money buying lorries and they do not have enough money to appeal. I think the Chairman of this board and the Minister should look into the case I have just mentioned.

Another thing is the discrimination in the Administration. Many people are dissatisfied. Those who are district officers have been holding these posts for more than ten years and they have had no further promotion, but people who have

just been employed from schools have been given promotion. I think this discrimination is a clear thing and the Ministry should look into it.

With these few remarks, Mr. Acting Deputy Speaker, I beg to reserve my support.

The Assistant Minister for Economic Planning and Development (Mr. Kase): Sir, I would like to be very brief. First of all I would like to thank many Members and Government officers who have assisted in trying to give information to our Ministry in our efforts to revise the 1969/74 Development Plan. Those who have taken part, I wish to assure them that their ideas are not wasted. We will try our best to accommodate whatever they have tried to put in.

However, what must not happen is that we should not expect that all that was said by each of us will be put into this booklet which will be published in the next financial year.

Something else which I would like to appeal to all hon. Members here and the public at large is this. It is in relation to the census to be carried out in August. I have received information that in certain parts of the country, when officers have gone to try and practise for the August census, some people have refused to give information. This will make the work of these officers more difficult when we come to the time of the actual census. Therefore, those who are approached in the mornings, evenings or even in the afternoons, should try to give all the necessary information required to be put on the papers we have. Thus when it comes to the month of August, the officers who will be dealing with this exercise will find it can be done with great ease.

Sir, these forms contain so much information, such as facts relating to educational qualification, marriage and so on. I am surprised to hear that when certain persons have been approached to tell the number of wives they have, if they have three or five, they decline to give the number of their wives. They tend to hide this information. I am trying to say that if I am approached by the census officer I will tell how many wives I have, be they two, three, four or five in number. I will not be ashamed to give this information. So I am asking the hon. Members, when they get to their constituencies, to tell the people there that they do give the necessary information so that our Ministry will be well informed in order that the August census will run smoothly.

I do not want to be carried away by the Member for Embakasi. I think he is a bit too noisy at times, perhaps because of the planes that land at Embakasi Airport.

[The Assistant Minister for Economic Planning and Development]

The President touched on a very important matter. In any developing country, every person— The President has repeated time and again this question of unity. I think this is very important. Many of us who would like to assist the President must ensure that we ourselves, in our hearts, are truly thinking of the word “unity” in its true sense. Any general who would like to win a war must see to it that his lieutenants are solidly united behind him. If his lieutenants are divided, then the general is helpless and may not win the war.

Mr. Acting Deputy Speaker, it is very important that when all of us want to defeat this disunity that all of us should work together and achieve that goal. I am not saying that we are not united, but sentiments within the countryside have shown that some of us are not really sincere in this exercise and it is high time that we really think of ourselves either as a party, or as a Government, or as Members of Parliament, Assistant Ministers or Ministers, or in the Civil Service. Unity does not come in isolation; it comes through people working together. It will be hopeless if I go to my own district, which has three Members of Parliament, and I begin to backbite one Member of Parliament and I, on the other hand, would like to assist someone else so that we co-operate. I think this is a useless exercise.

Therefore, Mr. Acting Deputy Speaker, when the President appeals to us for unity, we must really take it seriously or just keep quiet about it. When we appeal to our voters, to the public, that we should be united, are we, ourselves, trying to be truthful about it, or are we trying to cheat them in public?

Mr. Acting Deputy Speaker, unity is very important, and even if I want to get to the top I should not try in my own little place, wherever I will be, to use my own little capabilities to destroy others without following the normal course. This is the beginning of destroying that unity which the President has called for, and I think many of us who have heard of it, and who know what is happening, should try and think if we are helping our own country. I would appeal to my colleagues. I was very ashamed the other day when two Members from the Coast Province condemned the disunity in the Coast Province that is not bringing fast development. I would appeal to the Members in these particular areas—not only the Coast Province—because the trouble is everywhere, and I would appeal to them to come back to their senses and know that quarrels do not help anybody. If we want to be leaders in this House, the honourable people in the countryside

know whom they are going to elect in the next election. Therefore, it does not matter if we try, today, to make ourselves good or bad; they have already decided. The masses cannot be fooled that because I am trying to quarrel with my friend Samuel Omari, then I am good; they know whom they want between us two and I do not think that our quarrelling will assist either of us to get where we want.

Therefore, Mr. Acting Deputy Speaker, I would appeal earnestly to everybody and to all of us who would like to get ahead to try and find out what is the cause of all this and whether we cannot sit together and discuss it.

Mr. Acting Deputy Speaker, finally, I would like to thank the Government—

An hon. Member: Why do you not talk about Americans?

Mr. Kase: Mr. Acting Deputy Speaker, I believe that one does not need my comment. If somebody accuses somebody of being pro-American or pro-British—what is he, himself? Let him answer that question himself because I do not need to answer it.

Therefore, Mr. Acting Deputy Speaker, all I say is that I would like to thank the Government for trying their best during the last flood which we had in the Tana River District; they have tried their best to cool it down and I must thank them further for having granted us a secondary school last year, and they are trying to grant us another one next year. I believe this is working in the line where the Government has said that it shall go for the rural development. I think we are all trying our best and we should also, as Members, try our best to help the Government where they think they need help.

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

Mr. Tuva: Mr. Acting Deputy Speaker, Sir, to begin with I would like to thank the President for delivering his first-class speech on the State Opening of the Parliament. The speech was short in that the President forgot to mention the Malindi Secondary School which was opened a few days' ago by the Minister for Education. This was an achievement by the Government in fulfilling its promises to the people of Malindi.

Mr. Acting Deputy Speaker, Sir, I would also like to speak, at this juncture, on the land policy. The President, in his speech, mentioned about issuing title-deeds to African land owners. These title-deeds will help them, in turn, when they present them to the banks so as to get some loans. I would like to say that although the President said these good words, I very much wonder how

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the issue of title-deeds is going to help the people in the former coastal strip, because in that area all the land has already been claimed by Arab land owners. I feel that during his speech the President should have said how this Government is going to eliminate feudalism. It was only a few weeks' ago when we read in the Press that in Uganda feudalism has been wiped out. It was a few years' ago when we heard that this sort of way of life has been wiped out in Tanzania, and it is only in Kenya, in the coastal strip, where feudalism is still very, very strong. It is high time that the Government saw to it that this sort of way of life is got rid of.

Mr. Speaker, during the last speech by Mzee, at the opening of the last session, he mentioned about the opening of marine national parks in some parts of Malindi. The marine national parks are in operation at the moment; but they are not to the advantage of the fishermen, neither are these marine national parks an advantage to the local people. The marine national parks were started to help only the tourists who come to this area to see the coral gardens for which they pay some money to the national parks and this money is brought to the common bag in Nairobi, in the Treasury, and then the money is used somewhere else. There is no benefit at all that is derived from the national parks. In fact, most of the fishermen had to leave Malindi and go either to Mtwapa or Kilifi and most of them have gone back to Lamu. You will find that the fishing village of Watamu has only one fisherman left. This is also a big blow to the tourist industry because you find that tourists who used to walk about on the beach picking up shells and dried pieces of wood and some weeds cannot at the moment do that any more because of the rules imposed by the Board of Trustees of the National Parks; the tourists have no freedom any more on the beaches.

Mr. Acting Deputy Speaker, I should like to bring this to the notice of the Ministry of Tourism.

Mr. Acting Deputy Speaker, Sir, I would also like to point out to the Government that during this time that we have had *Uhuru*, Parliament has never been consulted before the Government committed this country to its foreign policy. I personally do not agree with the Government's foreign policy. So many times so many people disagree with the Government as far as its foreign policy is concerned. One example, Mr. Acting Deputy Speaker, I would like to mention is the Government's attitude towards the African sufferers in the Southern Sudan. Africans in the Southern Sudan are being tortured by Arab

people, but the Government is keeping quiet. There is only one African Government which has come out openly to condemn such bad deeds, and that is Malawi. I wish the Kenya Government issued a statement to condemn this malpractice by the Arabs against the southern Sudanese.

Mr. Abubakar-Madhbuti: On a point of order, Mr. Speaker, is it in order for the hon. Member to condemn a friendly country in this House?

The Acting Deputy Speaker (Mr. Mati): No, it is not in order for Mr. Tuva to criticize a friendly government unless he does so by a substantive motion.

Mr. Tuva: Mr. Acting Deputy Speaker, I am sorry, I thought I was condemning the practice, not the country. I was not condemning Sudan as such, I was trying to condemn the malpractice which is going on there.

Mr. Acting Deputy Speaker, Sir, I would also like Kenya to come out openly to say or to support the Biafran cause. Before the Government makes a decision, I feel that we Parliamentarians should be consulted. Since I was a teacher, I used to teach history to primary school children about the Republic of Biafra, and this is in books, and because of what is going on there at the moment, I have strong feelings that this should be brought to the House by the Government so that we make a decision as to whether to support this Biafran cause or not, instead of just a few people in the Cabinet making this decision.

Mr. Acting Deputy Speaker, Sir, many civil servants have resigned because of frustration in the Civil Service. A lot has been said about tribalism and nepotism and I am not going to dwell on this, but I will point out a few examples. When a senior Government officer is given the opportunity of employing the lower salary strata people; normally, if this man is in Kisumu as provincial officer—even if he wants to employ a driver or an office boy—he sends for an office-boy or driver from his own province or tribe. This is going on and it has got to be stopped. A lot has been spoken about tribalism and therefore I am not going to dwell on that.

Many warnings have been issued by the Vice-President and the Attorney-General, and I agree with them entirely, about careless drivers. The Government, however, is doing very little. There is a Bill coming soon on traffic improvements, but I feel that that is not enough. There should be police patrols along these major roads, particularly at night, between Nairobi and Mombasa, Nairobi and Nakuru and Kisumu, Nairobi and Nyeri; you find that it is along these roads that

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accidents normally take place, particularly at night. This is because of carelessness or drunkenness and unless there are patrols along these roads at night it will be hard to detect accidents. You find that when these drivers reach mid-way between Nairobi and Mombasa—Mtito-Andei—there is a lot of this green stuff from Meru called *Mairungi* which is eaten; I do not know what for, but I believe it is to keep the drivers awake. You hear these drivers talking about how one tortured another one on the road by not dipping his lights or applying extra spot-lights. I have been a victim of this many times. Sometimes a lorry comes along without dipping its lights and sometimes flooding the windscreen with extra spot-lights, and this sometimes is the cause of somebody leaving the road, crashing on the side of the road, or running into the lorry. I have escaped this very many times myself.

Mr. Acting Deputy Speaker, Sir, added to that, I should also suggest that lorries should not be parked on the roads at all. Roads have been badly constructed in that when it rains, these heavy lorries can never leave the tarmac because if they leave the tarmac they sink. Most of these drivers, particularly in the rainy season, do not want to leave the main roads. I suggest, in this case, these lorries should have special lights to show that they are petrol tankers and when parked they should have special lights so that the car drivers can tell whether the lorry parked has a trailer or not.

Mr. Acting Deputy Speaker, Sir, yesterday over the radio and the television, and today in the Press, the Government came out openly to oppose speeches made by Members here who spoke on corruption and tribalism. I feel it is very unfair for the Government to do such a thing because they have their time here to speak, or to oppose what the Members say. If they use a Government—

Thank you very much, Mr. Acting Deputy Speaker.

[The Acting Deputy Speaker (Mr. Mati) left the Chair]

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

Mr. Tsalwa: Mr. Deputy Speaker, I would like to join my colleagues in thanking the President of the Republic of Kenya for his speech which he gave at the State Opening. The speech is the shortest of all the speeches he has given in this House. It has some facts which we must follow and try to expand on.

Mr. Deputy Speaker, Sir, some Members have spoken very clearly in this House condemning corruption in the Civil Service, tribalism and nepotism. These elements exist everywhere in this country. They are being promoted by certain elements which can be found in this country. Mr. Deputy Speaker, to give you an example, in my district of Kakamega, which is also the headquarters of the Western Province, you find the district commissioner is a Kikuyu. You find the district officer I is a Kikuyu. A provincial agricultural officer is a Kikuyu. A trade officer is a Kikuyu. A community development officer is a Kikuyu, and the superintendent of police is a Kikuyu. I think we assume these are enough—

The Minister for Housing (Mr. Ngei): On a point of order, Mr. Deputy Speaker,—

Mr. Tsalwa: What do you want?

The Deputy Speaker (Dr. De Souza): I do not think he wants to give way.

Mr. Tsalwa: No, I am not going to give way because I am well informed as a retired teacher, and a person who is never shaken. I will speak my mind. So keep quiet Mr. hon. Minister.

Mr. Deputy Speaker, Sir, this gives a very bad impression to the people of the Republic, not only in accordance with the expressions made in this House by those hon. Members who condemned completely the existence of corruption, tribalism and nepotism in this country.

Mr. Deputy Speaker, when we complain about the presence of one tribe in one place, this is what we want the Government to do. We would like to see a Jaluio here as a district commissioner, an Abaluhya as a district officer I, a Mkamba as a provincial agricultural officer and so forth. A Meru and even a person from the North-Eastern Province. We would then have a mixture of these people in order to have a smooth running of the Government of this country.

Mr. Deputy Speaker, in the countryside when you speak of the smooth running of the Government of this country, people say, and this is true, that this is a “Kikuyu Government”. What we are trying to do is to educate our friends and our Government that we should like to see a mixture of tribes. I am very glad to make this point, Mr. Deputy Speaker, when the Minister for Foreign Affairs and the person responsible for the civil servants in this country is present. I think he will bring this to the notice of the Cabinet when it meets the next time.

Mr. Deputy Speaker, the President of the Republic made it very clear in his speech that we, as Members of Parliament, should not attack the

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Government every now and then. But, Mr. Deputy Speaker, it was made known to us in this House that opposition within a party is necessary, and the Government is attacked and criticized when it failed to implement a pledge which it made probably during the last General Election and so forth. Many resolutions have been passed in this House and none of them have been implemented and yet, the Government pays for the amount of time we sit in this House discussing these things, the debates and Motions. I think it is a sheer waste of public money for us to be paid for things we discuss in this House and which are never implemented. This goes as far as weakening Kanu, the ruling party.

Mr. Deputy Speaker, I would like to touch on another item. The President made it very clear in his speech that any lawful and recognized political party should be allowed to participate in the future primary and general elections. If it is a recognized political party it should be given the chance of organizing rallies where it can sell out its policy. This is why KPU has gained from us, because the public would like to choose and decide which party to follow. You know very well when you keep a box tied, and you tell your children not to open, they will be very anxious to open it; and as soon as you go out they will open it, and this is what is happening with *wananchi*.

I would like to see more than four political parties here, and these should be given chances to sell out their policies

Mr. Omar: On a point of order, Mr. Deputy Speaker, I am seeking your guidance because several times hon. Mr. Tsalwa has always preferred to speak on the KPU bench. Following his speech, are we to understand that he is a sympathizer of the KPU?

The Deputy Speaker (Dr. De Souza): Mr. Omar, you know that is not a point of order. Do not raise it the next time. A point of order is quite a serious business. This is not the type of thing to be raised as a point of order.

Mr. Tsalwa: Mr. Deputy Speaker, these are some of the Members of this House who are afraid to go for a General Election because they fear they will not be returned. They do not have faith in themselves.

Mr. Deputy Speaker, I would now like to touch on another point which the President mentioned in his speech, and this is in connexion with the forthcoming census. You know we have Abaluhya in the Nyanza Province, and they are between

60,000 and 100,000 people. These people are always called Luo by the Luo clans and, therefore, Mr. Deputy Speaker, I am appealing to the popularly elected Government that during that period the Abaluhya would like to have people of their own tribe supervising together with Government officers to see they are registered as Abaluhya and not as Jaluo.

Mr. Ondiek-Chillo: On a point of order, Mr. Deputy Speaker, can the hon. Member speaking—although I have been his friend for some time he has spoilt his case now—substantiate that there are between 60 to 160,000 Baluhya living in Luo area? Is he not trying to insinuate something which is—

The Deputy Speaker (Dr. De Souza): Order! Order! I do not know how it can be proposed that anybody can substantiate a thing like this. It is his own guess. You may agree or may disagree with him. I do not, however, think it is a matter of that much importance as to give rise to a point of order.

Mr. Tsalwa: Well, Sir, I would like to say one more thing.

The Deputy Speaker (Dr. De Souza): No, your time is up.

Mr. Tsalwa: Well, two minutes of my time have been wasted. I should be allowed this time.

The Deputy Speaker (Dr. De Souza): No. It might have been about half a minute. But your time is up.

Mr. Muruli: Mr. Deputy Speaker, Sir, I would also like to join my colleagues—

Mr. Ngala-Abok: On a point of order, Mr. Deputy Speaker, it is a tradition that no newspapers can be brought to this House unless a Member intends to refer to them in his speech. Is the Member who has just spoken allowed to display a newspaper here without having made reference to it in his speech?

The Deputy Speaker (Dr. De Souza): He is not actually entitled to display it. I do not know what Mr. Tsalwa was up to when he did that. I think we will ignore it this time.

Mr. Muruli: Mr. Speaker, Sir, I am on my feet to join my colleagues to thank the President for his speech which he delivered here on the 20th of this month.

I have three points to make. First, I would like to refer to his point on rural development. I think this is quite an important point because most of our people live in the rural areas. So, we would like to see a definite programme on rural development. In fact, during the call of *Harambee* many

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people living in the rural areas developed or established self-help projects. In fact, it is in the rural areas where most of the self-help projects were established. Unfortunately, however, most of these self-help projects have collapsed. Because they have collapsed, people are now unwilling to see the actual sense in the call of *Harambee*. These self-help projects have collapsed because people have realized that Government has no interest in what they have done. The people have never been helped in most cases, and they have given up hope of completing the projects which they started.

For example, Sir, in my own constituency we began a self-help project on a health centre. Two health centres were started and up to this time these health centres have been completed, in terms of buildings and so on. However, Sir, there is no medicine. People cannot provide the medicines, so they are quite unable to see what their efforts were all about. We feel that Government should put some efforts into these self-help projects so that the people develop a new spirit to establish more of these self-help projects.

In connexion with that, Sir, I would like to refer to one more incident where the Press reported that a certain Minister has given Sh. 100,000 towards a self-help project. This is the kind of thing that most people outside take to be corruption. This Minister had this money from a certain Trust in this country, and the Press, instead of reporting the true facts, reporting that this Minister had this money from a certain Trust, said that the Minister gave this money from his own pocket. So the people think that the Minister had Sh. 100,000 to give to a self-help project. This is how people misinterpret some of the things known as corruption. Of course, many people would ask themselves how this Minister could get Sh. 100,000 to give to a self-help project. Where did he get this money from? The whole thing was badly reported. So the Press must be very careful in reporting what the Ministers do. This money did not belong to the Minister; it belonged to a Trust.

Mr. Speaker, I say that if this money was given to self-help projects, then it should have been given to many self-help projects that exist in the country. For example, Sir, the Minister should have given Sh. 20,000 to one self-help project, Sh. 20,000 to another, in this way a number of self-help projects could be assisted. So, Sir, we have to press that when Ministers who are in responsible positions get money from different Trusts, they must distribute this money to different self-help projects that exist in the country.

To come to the second point, Sir, I want to talk about the Government's efforts to implement the resolutions of this House. The hon. Member who has just sat down has said that the Government is doing nothing to implement the resolutions of this House. I have to draw his attention to the fact that Government, at the moment, is making great efforts to implement the resolutions we pass in this House with regard to the construction of roads. If you look round the country you will see so many roads being constructed. You will see a road to Narok, another to the area that will serve farmers who grow wheat; if you go to Kakamega District you will see several roads now being constructed. The Mombasa Road has been completed. So, I think the Government has now taken the initiative to implement one of the resolutions of this House: road construction. I think we should give credit where credit is due.

One other point I have to speak on is about the transfers that have taken place in the Civil Service. We find that most of our civil servants, for example the district officers, the district commissioners and the provincial commissioners are now remaining for much longer time in one place in order that they can complete their timetable. This is a good thing. In the past we have had our district officers, district commissioners, and so on, transferred after one month, after two months, after one year, and this was not good. Now they stay in one place long enough to know the people and to see what is the need of the people in the areas where they live, and to realize what they can do for them. This is a very good thing and we appreciate what the Government is trying to do. Only, Sir, when we say that Government is doing something, it should do a little more.

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

Mr. Galgalo: I also would like to join hands with the Members who have spoken on the Motion and have, in the course of their speech, thanked the President. I would like, Mr. Deputy Speaker, to avail myself of this opportunity and express my thanks; at the same time, I would like to put forward some points in this House today.

In the first instance, I would like to comment on the Kanu Manifesto—the Kanu policy. It had laid down that the under-developed areas, for example the remote areas in the northern part of Kenya, would be developed. I am very convinced that our area was terribly affected by the shifta activities, but this is now all over. It is, therefore, high time that the Government considered a concrete programme for this area. Special considera-

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tion should be given to my area, Moyale, which is on the Ethiopian border, and very remote. This would call for a very urgent programme. For example, road construction of the Nairobi to Addis Ababa road was planned to pass through Moyale, but there is now some speculation whether this road will be shortened and therefore will not go through Moyale but will go across via Sololo, which is about 50 miles away. The people of Moyale town and those around are confused; they are bewildered and do not know what to do. Moyale is already a permanent town, and Government should make a clear-cut plan and see to it that this road passes through Moyale, in order to help development of that area.

I would like to put forward my second point. Our area is a livestock producing area. As such, the railway line should be extended to Isiolo in order to give more facilities to Samburu, Isiolo and Marsabit Districts to get their cattle away. There is no sign that the railway line will be extended to Isiolo. If the Government realized this and implemented it, it would be good for our economy. Moyale District, Mr. Deputy Speaker, is a remote district and therefore calls for special consideration. The roads are obviously very important and communications, in general, are very poor. There are, for example, no telephones and no railway lines; and to worsen the matter, the roads we have are quite impassable. Despite the fact that the great north road is under construction, we would have liked the present road to be properly maintained. This would in itself, make the movement of local traders easier and would, enable them to reach the remotest parts as quickly as possible. I am convinced beyond doubt that if our Government wanted to make this a speedy programme, it will be necessary for them to allocate adequate money for the maintenance of the present roads.

I would like also to make another point. The traders in our area—that is Marsabit District including Moyale Sub-district—are greatly perturbed. This is not without reason. The Government has said quite clearly that loans would be given to African traders in order to help them to take over the present foreign controlled businesses. I would like to say, with deep concern, that when the African businessmen applied for loans, only one man got a loan. This was for about Sh. 10,000 only, which was not enough. The rest are still waiting for their replies. We would like this Government to be realistic and follow the Kanu Manifesto in order to make speedy progress in the area. These Africans in

question should be given loans if they are able to repay these loans.

I would like to point out another important thing. This is about water development. Water is hard to get and our people, especially the people of Moyale Township, are very anxious to know what the Government is doing. Many things about water development have been spoken in this House. I, for one, brought some questions, but the Government responded very lightly saying, "Well, water will be provided very shortly". Alternatively, the Government speaks of water being obtained from boreholes. The firms which are given the contract of prospecting for water go there and dig in only one or two areas and end by saying that there is no water, or simply that their machines are broken. As there are no Government officials to check up the truth of the outcome of these people who are hired, these people only go there to waste money and then come back? This is really very bad. I would like to appeal to the Government to check constantly the activities of these water prospectors.

Mr. Deputy Speaker, I would like to make another point. Range management in our area has not been started up to now and we would like this to be given the first priority because our area is an important stock producing area. The officers should be selected locally and should after training, go back to the people and show them what to do in respect to cattle breeding. Boran cattle are universally known. Everybody in this House no doubt supports me; they are in fact among the best. If cross-breeding with Boran can bring about other types of cattle, we have not had a programme to that effect. We would like to leave the whole matter to the range management people.

Mineral prospectors should start operating in this area. Government seems to have neglected this. However, our county council has allowed this, I understand—but in spite of this acceptance, the prospectors have done nothing and I cannot understand what they are waiting for. They just fly their helicopters here and then fly back again. I am fully convinced that if that area were properly prospected we could get petrol and an appreciable amount of gold. That area is the extension of the Ethiopian Highlands and in Ethiopia there are very rich mineral deposits.

I would also mention a further point. The Kenya Government should encourage the formation of companies. I can well recall a company which was formed by the name of the Marsabit Trading Company, Kenya Limited, The management took all the money which had been invested and as a result our people became disinterested in joining other companies. Our Government has

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never sat down to investigate the misappropriation of the funds and the cause of the company's failure. The company is now closed, because they are not able to get loans. The Government then goes on to deny the fact that the company in question had all this property when Sh. 72,000 was stolen by the founders. The people have now lost any interest as a result of this; and it is high time Government took action by investigating and trying to apprehend the misappropriations of this money.

With these few remarks, I would like to support this Motion.

Mr. Kiprotich: Mr. Deputy Speaker, Sir, I would like to join my colleagues in thanking the President for the speech which he made.

I would like to start with the question of squatter farmers. Since 1963, when we achieved our independence, the squatter farmers have been lying by the road-side. If you try to argue contrarily, I can invite the Minister—The Minister for Lands and Settlement is here; I am happy to mention such a thing while he is here. In Lumbwa, Mr. Deputy Speaker, Sir, there are lot of people who worked for former European farmers and they are just there and they do not have anywhere to go; they were born there yet nobody has tried to help them by giving them plots in settlement schemes. Also in Kedowa, Londiani, and even in Kericho township itself, these people are there and when the President gave his speech I did not hear him say whether these people are being considered. Where are these people going to be taken to? They are just helpless people and still the Government is harrassing them asking them to pay their graduated personal tax. These people do not have any income at all and they have children. The Government thinks that these people are living peacefully but they are the people who are going to bring trouble in the future. I hope that the Minister will see what he can do about these people.

Mr. Deputy Speaker, I do not see any reason why we have the Commissioner for Squatters. Up to now he is holding this office and what he is doing nobody knows. He is just sitting idle in his office and does not know what is happening. Mr. Deputy Speaker, I leave that for the Minister to consider and decide what he can do for these people.

Once again, I would like to say something about the Civil Service which is being looked into by the Minister of State, President's Office. Today we have a statement which was issued by the "Government spokesman". I wish the Leader of Government Business, when he answers the

speeches made by Members, will tell us who this Government spokesman is—a person cannot come out and say that he is speaking on the Government on the authority from the President or authority from somebody. These are people who are hiding in their offices—if they cannot come forward and say who they are, they must keep quiet and leave us to contribute what we know in this House.

When we spoke about corruption, Mr. Deputy Speaker, Sir, I think everybody in this House, and outside this House, knows very well that our civil servants are corrupt. In order to make everything clear to the public, I call on the Government to appoint a commission of inquiry, and then everything will be in black and white. If civil servants want to become politicians, let them come forward, they must not hide themselves and issue statements. We have seen two of them who have tried to come out and fight elections. One who was a Provincial Commissioner in Nyanza, tried to compete with one of the politicians and was defeated and even lost his deposit. This month we had another one who just resigned his post and he failed and also let down Kanu Government; and he also lost his deposit.

Mr. Deputy Speaker, Sir, if the civil servants want to work in the offices and do their work, there is no need for them to interfere in politics in this country. Let them keep quiet and sit in the offices. That is the trouble; whenever you go to any Ministry, from the top—that is from the President's Office, which is under the Minister of State, President's Office—and you are ringing the office, you never get anybody in his office, neither himself, his Permanent Secretary, nor their deputies. If such Ministers are tired of public office, they must resign and go back to selling eggs in River Road or Kariokor. They are there because of the public, and if they are there to leave their offices and go around the town, I do not see any reason why they should be there just because of their names.

Mr. Deputy Speaker, Sir, turning to the question of loans. The President has always been saying this at public meetings and there have been Press statements that the people should go back to the land. All right; if people who have been in the towns without work, and have not been earning a single cent, are really needed to go back to the land, then some money must be got from somewhere to loan to these people so that they can work the piece of land which they have got, or to set up businesses. If you say go back to the land it does not always work. Those people who are back on the land already, they have not even been given loans to run the small-holdings they have got. To get a loan it is a

[Mr. Galgalo]

problem. You apply for a loan and it takes about six months to get it, or even a year or more than a year. If somebody is told that he will get a loan and he does not, it is not good, Mr. Deputy Speaker, Sir. This is only sweet words with no actions. We need actions; actions are better than empty words which the Government, at the moment, is giving.

Mr. Deputy Speaker, Sir, I want to say something about promotion in the Government and in the private sectors. This is very, very serious because we ourselves here were the people who said we should like to see all the posts in the private sector and the Government Africanized. When we said that there should be Africanization, we did not say that the posts should be Africanized through nepotism or on the basis of brotherhood. In the army, they say, officers do not have qualifications and so, why are they in the army, the police and the prisons? You do not need somebody with qualifications there. I remember when I was in the police, the men with the rifles did not have any education and yet you find that the illiterates know more than the literates. However, today you find that only those from one tribe—the royal tribe—are employed in these services, especially the army, the police and the prisons.

Mr. Deputy Speaker, Sir, if the Government is not very careful on this employment— They must be very careful to know that this country belongs to us all and not to only one section and tribe in this country. There are 45 tribes in Kenya and they must all have a full share in this Government. We do not want only one tribe always to be proving themselves. As other Members have said, if you go to the Government offices, even the office boys are of one tribe. You find there is only one tribe in these offices. If these people are ruling by force, they must tell us frankly. There is no point in always having a Kikuyu district officer and then all the other officers under him being Kikuyus as well. This must change.

Also, Mr. Deputy Speaker, the time has come for the Government to nationalize all these banks in the country because at the moment the people who are there, especially the non-Africans, do not understand the problems of Africans. Therefore, what I want is that all these banks must be taken over by the Government so that they can put in their own people who understand the problems of our people.

Mr. Deputy Speaker, Sir, with these few remarks, I reserve my support on this Motion.

Mr. J. M. Njonjo: Mr. Deputy Speaker, I would like to join my colleagues in congratulating the President for his speech at the opening of the

present session. I appreciate that his speech contained quite a lot of useful things and a lot about what the Government has done. I am quite certain anybody with eyes can see the development in education, in self-help schemes, in the economic fields, that have taken place since our independence. It would be futile for anybody to suggest or pretend that they cannot see the difference which is very apparent to everybody in the country.

However, Mr. Deputy Speaker, I would like to say a few words in connexion with what everybody has been talking about. That is that I think the Government should think seriously about this; if we expect to be the ruling party after the next General Election, we should try to get our house in order. If we do not do this, let us not boast about ourselves because it will be too late to do anything when the time comes for the election. Everybody has been talking about corruption; everybody has been talking here—and I have been listening—about brotherization; everybody has been talking about nepotism. Why has this been happening? There must be some good reason, otherwise the House would not be talking about this one subject. This question must be gone into so that we can clean the minds of the people who are going to elect Kanu Members into this House when the time comes.

Mr. Deputy Speaker, Sir, I would refer to a few instances which have been close to my area. I think that one of these things that I am going to mention here has played a great part in convincing the general public that these things do really exist. For instance there are a lot of people, hundreds of students who went overseas in the eastern countries and now they have started coming back since last year and the year before. You find that in the field of employment of these people—some of whom were sent abroad by our party, Kanu—there has been a lot of discrimination. A lot of them have been taken, I know, as district officers in Government offices, but others have been discriminated against and have been told that as they have been in communist countries they are not fit for Government employment. Why? I know of one particular instance where one person has been looking for a job for two years and yet he is qualified and passed his examination well. Another person who came just six months ago has been posted to Mombasa as a district officer, yet they were in the same class in the same university. Why is one called a communist while the other one is a good Kanu member? This is wrong and something must be done to see that these irregularities do not go on.

Another point, Mr. Deputy Speaker, I would like to say is that these things are not really important to a person who is always in an office

[Mr. J. M. Njonjo]

in one of these big, big buildings. Those of us who go around the country know that they are the basic principles of judging the candidates to represent this House after the next election.

Mr. Deputy Speaker, there is this question of employment. Leave alone these people who come from overseas, we think that in many cases brotherization is there and must be stamped out. There are a number of people who are jobless and fit to work, but you will find that a person who is unqualified will be taken just because he is a brother of a Minister, or a brother-in-law of an Assistant Minister, or something of that sort, and his application is given preference over the application of a person who is more qualified than he is. These things are important, and if we have any hope of winning the next elections these things must stop immediately.

I will now refer, Mr. Deputy Speaker, to affairs closer to my own constituency. You will find that in the allocation of these settlement schemes there are a lot of irregularities. I will refer particularly to the settlement scheme at Makuyu, which is near Thika. Half of the persons who are there were not selected by the Commissioner for Squatters. The Commissioner for Squatters is supposed to have a register of landless people around Thika; but to tell the truth, 50 per cent of those people who are settled at Makuyu are not in the register of the Commissioner for Squatters. They have been settled there through devious ways, and I can substantiate this if somebody asks me. I know very well that the person who is in charge of allocations in this particular settlement scheme has got his five relatives in that settlement scheme.

An hon. Member: Who is that?

Mr. J. M. Njonjo: There is no use you asking me because the assistant commissioner at the provincial level knows this and I have given him the names and note has been taken. These things are well known everywhere in Thika. There are a lot of squatters because, as you know, this used to be a part of the White Highlands, and today there are a lot of squatters lying idle there as they have nowhere to cultivate and some are begging while others are being assisted by being dished out some *posho* from the Government. This happens while I know very well that some of the people who have been settled at Makuyu have land elsewhere.

Mr. Deputy Speaker, these are the things that are making the people around to say that the Government is rotten and corrupt. These are the things, and they should be got rid of.

Mr. Deputy Speaker, another instance is that during the recent elections of the local authorities there were some irregularities. These were, there is no doubt, very irregularly done. In fact, I will give you an example. In Thika, elections were not done in the Kanu office; they were done in a particular person's bar seven miles outside Thika. To make it worse, those people who made an appeal to the Vice-President and who were then reported in the paper as having had their appeal upheld, had no action taken to revise the elections. They are still out today inspite of the fact that the Vice-President upheld their appeals. What sort of Government can this be?

This sort of thing is well known and these are the reasons why most of the people in the country are complaining that there is corruption. Others went as far as to appeal to the district commissioner and to a magistrate as is laid down in the law. The magistrate found out that the final papers had already been signed by the President of the party before the time had elapsed for the appeal. Therefore, there was no point in their making an appeal because, in fact, the papers had already been finalized. I submit, Mr. Deputy Speaker, that these elections were illegal and they were illegally done; but those people are still there.

Mr. Deputy Speaker, Sir, we should also consider the unemployment which, at present, is in the whole country. If we do not do this I think our strategy as a party and our psychological warfare with the other parties that might crop up will fail. For instance, today, in order to reduce the unemployment in Thika township, the council adopted by-laws to provide some kiosks to help the unemployed; about 100 of them. These have been helping more than 1,000 dependants in Thika. Today those illegally elected councillors are closing them down in spite of the fact that they know there is a lot of unemployment.

The Deputy Speaker (Dr. De Souza): Your time is up. Finish your sentence.

Mr. J. M. Njonjo: They should be compared with what is happening in Nairobi with those cardboard houses. These were designed by the council and you find that today, after one year, these people are being told to demolish to increase unemployment—

The Deputy Speaker (Dr. De Souza): Please finish your sentence.

Mr. J. M. Njonjo: Thank you, Mr. Deputy Speaker.

Mr. Seroney: Mr. Deputy Speaker, while thanking His Excellency for an excellent exposition of policy I cannot avoid criticizing the Government for having omitted this opportunity to let the

[Mr. Seroney]

country know what is the programme for what is probably the last session of the First Parliament of a free Kenya.

Mr. Deputy Speaker, Sir, we all know that within the next 12 months we are going back to the country. Now, Mr. Deputy Speaker, in other countries which have adopted a parliamentary democracy like the one we have adopted, it is usually common practice to use the State Opening of Parliament to let the country know through the Head of State, or through the Speech from the Chair, what the Government's legislative programme is going to be for the session. Looking through His Excellency's Speech, I see no indication whatsoever as to what laws the Government will be bringing to us in this House for us to pass and make law. I think this is a very serious omission, Mr. Deputy Speaker. We are here, as representatives of the people, to make laws for the country. We are primarily a legislative assembly. We are not a county council which has executive powers and which spends a lot of time discussing executive actions. We have delegated those executive functions to the Government and our primary concern is the laws we pass. It is true that our secondary objective is to see that the Government to whom we have delegated certain responsibilities exercises those responsibilities in accordance with the interests of those people who have elected us.

So, Mr. Deputy Speaker, it is a pity that the Government failed to use this opportunity to tell us, through the President, what the legislative programme for this session is. It is a pity that in the past the Government used to simply think up certain Bills and rush them to this House and tell us "These are urgent Bills which you must pass", and ask us to suspend Standing Orders and publication period. I think this position, Mr. Deputy Speaker, is highly unsatisfactory. Again, the Government, through His Excellency complains about lack of support from Members of this Parliament.

Mr. Deputy Speaker, Sir, I do not see that the Government has any reason to complain. We have voted all the money they have asked us to vote, and we have passed lots of the laws which they have asked us to pass. Yet, Mr. Deputy Speaker, before bringing laws to this House they have not taken the trouble to consult us or associated us with the making or framing of plans and politics underlying these laws. They expect us to simply come here and rubber-stamp what they have dreamed up in the Attorney-General's office or in State House, and they expect us to come here and say "Aye, aye, aye" only. Mr.

Deputy Speaker, there is no point in telling us that we, as Back-benchers, are there to participate in the making of the policy of the Government, when in actual fact the Government has ignored us totally. In fact, none of the Ministers use the Ministerial Committees to discuss policy and prepare Bills before they are brought to this House. In fact, the Parliamentary Group is not called unless there is some trouble and then they want the Mzee to come and sort it out.

Mr. Deputy Speaker, I think it is the fault of the Government. If the Government needs the support of the Members, they should associate the Members and consult the Members in policy-making and even in discussing Bills and framing development plans. The other day we read in the papers that Tanu Executive Committee was discussing the development plan in its draft form before it was published. What happens here in Kenya? The Government and the Minister for Economic Planning plan everything, draft everything and publish it in its final form and they are brought here and laid on the Table and we are expected to endorse everything. We have no opportunities to amend or to object as to why our particular areas have not been included and so forth. Mr. Deputy Speaker, I think if the Government really wants our support they should consult us. Instead, Mr. Deputy Speaker, the civil servants have been blown up beyond all tolerable proportion.

Mr. Deputy Speaker, I was surprised by this Government spokesman who seems to think he can issue a statement challenging us here in the House. There is even an implied threat, Mr. Deputy Speaker, about our parliamentary immunity. Why are they so worried about our parliamentary immunity? Is it sufficient merely to say that those statements are no good because they were made under parliamentary immunity? Why was there no attempt made to answer the specific allegations which were made? Is it enough to say that the Government is satisfied? Who is this particular Government? After all the Government has Ministers here in this House who can speak for the civil servants. Mr. Deputy Speaker, there has been a tendency on the part of civil servants, particularly in the administration, to interfere with the affairs of Kanu. There was interference in Mombasa. There has been interference in Nyeri. There has been interference in Nakuru. There is interference everywhere. Who has authorized the civil servants to interfere in matters of a private society like Kanu? This is what I would like to know. Kanu is a private society and which is to be managed by Members elected by members themselves and not by civil servants.

[Mr. Seroney]

Mr. Deputy Speaker, I think His Excellency should advise the civil servants to keep off Kanu affairs and let Kanu run their own affairs. Mr. Deputy Speaker, again these civil servants have been blown up beyond proportion because even now they allocate the right to themselves of stopping us, the elected representatives, from addressing our own constituencies by abusing the Public Order Act to deny us, without any reason whatsoever, of the right to address our constituents.

Mr. Deputy Speaker, very shortly some of us are going to bring forward a Motion to have a Select Committee of this House appointed to examine the working of this Public Order Act of stopping people from holding public meetings, and when we ask here we are told it is for security reasons and the reasons cannot be given to us. Mr. Deputy Speaker, Sir, I think, in all fairness, we should as Members assert ourselves to maintain our positions because if we do not do that we will find the administrative officers will be sitting on top of us.

Mr. Deputy Speaker, I think that our original Constitution with which we entered *Uhuru* was slightly better so far as the civil servants are concerned. There the civil servants were put in their rightful place. In our anxiety to abolish *Majimbo* we have swung to the other extreme and blown up provincial commissioners to a position even more important than what used to be the case during the colonial régime. I think, Mr. Deputy Speaker, that the time has come to adopt a system probably similar to that which exists today in Zambia. I think our Cabinet, Mr. Deputy Speaker, is too large. I think it should be reduced by 50 per cent and some Ministers should be assigned, in addition to other duties, to specific provinces so that they will be answerable for the provinces instead of these unelected provincial commissioners who now behave as if they were bosses and as if they were more important than the Ministers in our own Government.

I think, Mr. Deputy Speaker, that these changes in our Constitution should be thought over, and I would appeal to His Excellency the President to seriously re-think over the position of civil servants, particularly the provincial commissioners, and replace them by assigning his Ministers to the particular provinces so that we can do away with the provincial commissioners, or reduce them to the position of civil secretaries, in which they were under the *Majimbo* Constitution.

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

MOTION FOR THE ADJOURNMENT

DISSOLUTION OF SETTLEMENT COMMITTEE BY D.C., KISII

The Deputy Speaker (Dr. De Souza): Will a Minister please move that the House do now adjourn.

The Minister for Lands and Settlement (Mr. Angaine): Mr. Deputy Speaker, Sir, I beg to move that the House do now adjourn.

The Assistant Minister for Lands and Settlement (Mr. Malinda) seconded.

(Question proposed)

Mr. Onsando: Thank you very much, Mr. Deputy Speaker, Sir.

This is to give me time to find out from the Minister the causes which led to the dissolution of a legally constituted Select Committee in Kisii. I must make it clear from the very beginning that I have no quarrel with the Minister because he was very honest in his reply, and it appears that someone very junior has used his powers to undermine the Minister.

Mr. Deputy Speaker, Sir, I have looked at the circular to which the Minister referred in his reply and it states very clearly who should be a member of the Select Committee. This circular was followed and there was a Settlement Select Committee in Kisii which was formed in 1965. This committee has been discharging its duties very efficiently. It has recommended settlers to be settled by the Minister. Last year this committee sat and selected about 77 settlers who were truly landless people in Kisii, and recommended to the Minister that they should be settled in the Matutu Settlement Scheme.

The district commissioner, on learning that these people were all Kisii and he wanted certain people to be settled, got in touch with the provincial commissioner and they decided to dissolve that committee and appointed a committee of their own. The committee which was appointed by the district commissioner and the provincial commissioner was only composed of about four members; and this is what we challenged—how this committee was dissolved and how the new one was formed. The Minister gave a very honest reply saying that he was not aware of this, and all I am asking him to do is dissolve it. I am challenging the legality of the new committee which sat on the 3rd March and recommended about 60 names to the Minister that these people should be settled on the Matutu Scheme. The Minister approved these 60 names and the people moved on to their plots on the 27th March.

[Mr. Onsando]

This list, which was constituted by the new committee, was composed of very many strangers so far as Kisii is concerned. It was composed of people who were quite genuine squatters, and I have no quarrel with that. It was composed of some people who had just come to burn charcoal, because in that particular settlement scheme there were black wattle trees and some people who were traders had come to burn charcoal. These people were included in the list of squatters to be allocated plots. The Minister approved the list and immediately on having their photographs taken they sold the plots to the people in that area again.

An hon. Member: Which tribe?

Mr. Onsando: These were Kikuyu.

Mr. Deputy Speaker, we are not helping to settle the landless if this sort of approach is going to be adopted by the Government officers. Maybe this was done without the Minister's knowledge. I ask him now, because I know in his office he has minutes signed by the district commissioner of the previous committee which shows who are the members of that committee. In his office he has another list of the members who attended the meeting which was held on the 3rd March. The district commissioner was the chairman and I have no quarrel with that.

An hon. Member: Is the district commissioner a Kikuyu?

Mr. Onsando: Who else could it be. That goes without saying.

Mr. Deputy Speaker, Sir, we, in Kisii, are perturbed and the public is also perturbed at the conduct of this administrative officer who dissolved the committee which was composed of Kisii elected members on that committee, a committee which the Minister recognized, and drew his own committee of four and sent cars to pick them up telling them they had been called to a meeting and they had been appointed as members of the Settlement Select Committee. These people up to this time have not even had the minutes of their meeting. They say the minutes were confidential, and even those four members who were summoned to attend the meeting on the 3rd March, have not received the minutes of the meeting they attended. They are not sure if the district commissioner sent in the right names they recommended to the Minister.

I ask the Minister to find out why such activities took place. One other thing I would ask the Minister to do is this. This committee, as he admits, was not dissolved, and the minutes of this new committee, which is illegal, should be

nullified immediately and the old committee be given a chance to recommend to the Minister those landless cases so that they are settled in the settlement scheme.

It is a very short question, Mr. Deputy Speaker, and it is a question of legality. It is either—and the Minister himself admits—that he is the only one responsible for choosing the members of this committee, or the district commissioner is. He admits in his reply that he is the one who appointed the district commissioner as chairman, and should therefore tell this House if the district commissioner has power to dissolve the committee at any time and call up any members of his choice to be a member of the select committee. The Kisii people would like to have the 77 plots which were allocated by the committee which sat in December 1968 and not the committee which was summoned abruptly without the Minister's consent and which recommended names because the person called the Commissioner for Squatters complained the squatters had been left out. There were a very few squatters. We are all from Kisii, and we know which farms were bought in the Kisii area, and we know who is the labour force there— We are not complaining about the squatters. We object to the way in which the district commissioner conducted this committee and the way the strangers were allocated plots in that particular settlement scheme, who immediately sold them. If the Minister is interested he should investigate, then he will find out that so many plots have been sold in the Matutu Scheme, simply because this illegal committee made a mistake in giving people plots who were not squatters and owned land elsewhere.

Therefore, Mr. Deputy Speaker, Sir, this is a straightforward matter and I only ask the Minister to clarify the position. Under what Act did the district commissioner form this committee? If he had no powers, then the Minister should reprimand him and sack him from the chairmanship and give it to me as I would be very fair. I will make sure that every squatter is settled; and of course I will obey the Minister's instructions.

Mr. Deputy Speaker, Sir, I do not have much to say except to ask the Minister to tell us which is now the legal committee in Kisii, the one which was set-up in 1965 or the one which was set-up this year?

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

The Deputy Speaker (Dr. De Souza): Who is seconding the Motion?

Mr. Nyaberi: Mr. Speaker, Sir, I do not need to speak much in seconding this Motion because it is a very important issue. All I would like to

[Mr. Nyaberi]

say is that this Motion would not have been brought to the House had the Minister for Lands and Settlement answered the question I asked him: whether he had knowledge of the District Commissioner, Kisii, dissolving the existing committee and setting up a new one. He told the House that he had no knowledge of that and that is why we had to take this matter further and pursue it on the adjournment. This is very clear.

Sir, had the district commissioner not brushed aside the list of the names which were on the legal committee—which the Minister knows very well—and then recommended his own new list, we would not have any quarrel. However, the fact that the district commissioner, on the 3rd of March this year took the powers on himself and dissolved the old committee, set up his own committee forced us to pursue this matter. In fact, Sir, the composition of the new committee consists of the departmental heads, most of them from one tribe. Sir, we are tired of this question of “one tribe”. I do not hesitate to say, “one tribe” because this is very chronic. It is becoming chronic and we have to insist that this is done away with.

Hon. Members: Which tribe? Tell us.

Mr. Nyaberi: The one tribe is well known. It is obvious that— Anyway, for the interest of the House I will say that the district commissioner is a Kikuyu, and the departmental heads I have referred to are mostly Kikuyu. When I say this, Sir, I am able to tell you that the medical officer of health is a Kikuyu, the agricultural officer is a Kikuyu, and these are the people— I do not need to say much more than that. These are the people who are on the new committee, after the previous committee has been dissolved by the district commissioner, the legal committee.

Mr. Deputy Speaker, Sir, this makes the people not know what is really happening. This is a case where the district commissioner is of one tribe, obviously a Kikuyu, and knows that from the top there is nothing coming to affect him.

Sir, I remember that once I and another Member of Parliament from Kisii went there and asked him, “Why have you dissolved the legal committee? Have you told the Minister?”, and he replied, “Now, look here, the Minister already has informed us; he has sent directives that the squatters will be given first priorities.” Do you know what happened to the squatters? If we had the list here today, of the squatters— He knew he had a game to play with that list. In that list of squatters there are some genuine squatters who have been given land; but, again, in the list

there were some good friends of the district commissioner. I understand that the district commissioner had been working in Nakuru. Some people who were not squatters had their names on that list. This is why the district commissioner insisted on dissolving the legal committee so that he would have a chance to recommend his own friends.

Another thing which has happened there, Sir, is that—

Mr. arap Biy: On a point of order, Mr. Deputy Speaker, I would like to ask my hon. friend to substantiate, give us names of “these good friends” of the district commissioner who were taken to Kisii to be settled.

Mr. Nyaberi: I am able, Sir, to substantiate.

The district commissioner said this land was purely for squatters. But, then, there is a gentleman, who is the Clerk to the Nakuru County Council, who is there. Can you call him a squatter? He is a Kisii man and I know him.

Sir, there are several such others in that list. The Minister is able to check this for himself. I am telling the truth here.

In short, Mr. Deputy Speaker, the only evil thing is that these people, who the Kisii people were told were squatters— As my colleague has just said, these people had come there to burn charcoal. These people were told, “Look, pretend that you are squatters”. The district commissioner had a book, which looked like some sort of master roll, from the Europeans who have been there, certifying that those people were squatters in that area. In fact, those people were charcoal burners. After being given plots, do you know what happened? Sir, I do not want to repeat. They said, “Now, look, this is just a fortune—is there anybody who wants land?” Many teachers, able people, people with money, rushed there. That is why I say the land was given to the wrong people, to the wrong squatters.

If the Minister is really working in co-operation with the Commissioner for Squatters, I would like him to find out who are the squatters who were given land and then sold the land they were given. This kind of thing surprises the people. I think it is a good thing that the Minister should investigate this whole affair.

Unless the Minister tells the House today that he has given the district commissioner power to do what he did, then the district commissioner did the wrong thing.

Here is a case where a civil servant undermines a Minister and takes on himself powers of allocating land. This is too much.

[Mr. Nyaberi]

So, Sir, I do not wish to waste the time of the House. I do not want to labour much on this point.

With these few remarks, Sir, I beg to second.

The Deputy Speaker (Dr. De Souza): I think if a Minister wants to reply he had better do so now because otherwise he may not get another chance.

The Assistant Minister for Lands and Settlement (Mr. Malinda): Mr. Speaker, Sir, I would like to begin my reply by mentioning that the question before the House is about the committee and, as far as I understand it, it does not really concern who was allocated land, where and how and when. This is how I see the question before the House.

For that reason, Sir, I am not being narrow because the question was specific, as to why the District Selection Committee was dissolved. This is the point I am going to try and show to the House did not take place.

To start with, when the hon. Members complained that the district commissioner is a Kikuyu, another officer is a Kikuyu, and so on, these are facts. All right, we accept them, they are facts. They do not, as a matter of policy, affect the composition of the District Selection Committee because the District Selection Committee—

Mr. Lubembe: On a point of order, when there is a clear point that either the Minister is trying to avoid the issue brought up, or trying to bring in points which were not necessary, what can we do as Members? I ask this because, maybe, whatever we ask for is information. It is very clear here, that the point raised is being avoided by the Minister? What can we do?

The Deputy Speaker (Dr. De Souza): Well, I am afraid there is very little one can do here, except probably later on bring a substantive Motion asking the Government to dissolve a particular committee. That is all really.

To be fair to Mr. Onsando, Mr. Malinda, I would say this. What Mr. Onsando is complaining about is not only that a committee has been substituted by another committee but that the committee which has taken over is an illegal committee, and has done certain illegal activities which he wants to have corrected. Unless you can prove that the committee has not been substituted, and that it is, in fact, the same committee, the original committee, which is what I think the Minister said in his original reply a few days ago—unless you can prove that he is wrong in his very first assumption, then I do not think your answer is relevant.

Anyway, it is up to you to answer as you want, but I do see Mr. Lubembe's point of view.

The Assistant Minister for Lands and Settlement (Mr. Malinda): Mr. Speaker, Sir, may I make it quite clear here that the committee, which is the District Selection Committee for Kisii, as it is now, is very legal. It has not done any illegal activity and, as far as the activities which the hon. Member has alleged, that it carried out, I think the hon. Kebaso, on that day when this Question was being answered by the Minister, clearly indicated to the hon. Members here why some of the Members—

Mr. Onsando: On a point of order, Mr. Speaker, Sir. The Assistant Minister has said that the committee as it is, is legal. Is this not a contradiction to what the Minister said? Is this the committee that sat on 3rd March this year or the committee that was there in 1968, because I see you are talking of two committees?

The Deputy Speaker (Dr. De Souza): This is, of course, one interpretation which can be drawn by the House, but the Minister did not say that. The Member should have heard it very clearly that the committee has not been changed. It is still the same committee that he had appointed last year. So I do not know why there seems to be some confusion one way or the other; I think Mr. Malinda will clear it up now.

The Assistant Minister for Lands and Settlement (Mr. Malinda): If the hon. Member would like to listen, I will clear it up now and I will also give him the name of the members of the present committee whom he knows very well. I am also going to indicate to him that their activities were supported by my Ministry. The appointment of any member of this committee is the responsibility of the Minister, and if any changes have to take place they do so with the consent and approval of the Minister. When, as the hon. Kebaso mentioned on the day this question was answered here, some Members composing that committee were found to have misused their powers or misused their positions in influencing some of these allocations, these facts were brought before the Minister; and, of course, the Minister, in consultation with the bodies which are represented on the committee, decided to replace some of the members. Now this, Mr. Speaker, Sir, shows that although the names of certain officers or certain members of this committee may not be the same as those who were sitting in this committee in 1968, the fact still remains that the people who are in that committee represent the interests which were represented in 1968. Therefore, as far as we are concerned, the committee has not been dissolved.

Mr. Onsando: On a point of order, Mr. Speaker, Sir, I am seeking your ruling here Sir. Shall I be in order to ask the Minister not to indulge— Shall I ask the Minister to tell us what was the composition of the former committee because he does not mention this? He only says that this was illegal, but we do not know what the number was? Would the Minister read out the names of the members of the first committee and the second one also.

The Deputy Speaker (Dr. De Souza): Mr. Malinda has obviously found some ambiguity in what the Minister stated that day and what you are saying now because the Minister stated that day that the committee was the same committee and he was implying thereby that the members had not been changed. We have heard you saying that the Members have been changed. I do not know exactly how this is getting framed, but perhaps the—

The Assistant Minister for Lands and Settlement (Mr. Malinda): Mr. Speaker, if the hon. Minister wants to give information he can, but what I was trying to say, is that, as far as we are concerned the committee, from the representation point of view, is the same because the committee should be and is composed of the following. The district commissioner who is the chairman, the district agricultural officer, the senior settlement officer and the district co-operative officer. Over and above that, there are four members recommended by the District Agricultural Committee to sit in these particular committees. The members who occupy those seats now, or the members who have been selected, or who have been sent there to represent the interests of the District Agricultural Committee of Kisii are—

An hon. Member: Why agricultural committee?

The Assistant Minister for Lands and Settlement (Mr. Malinda): The District Agricultural Committee because the circular which the Minister referred to specifically states that members will also come from the district body which recommends persons to sit in that committee. Once that has been done, the names are sent over to the Minister for his approval and, therefore, he approves everybody who sits in the committee and these officers are, by virtue of their office, members of the committee. Irrespective of whether there is a transfer of the district officer which is represented in this committee is a person who is supposed to take part in the deliberations of the committee. For that, Mr. Speaker, if the hon. Members want, I can tell them the names

of the other members except officials. Mr. Speaker, Sir, Rayoli was the member who has been replaced by Mr. Livingstone Atebe who was again replaced by Mr. J. K. Keragori. Mr. Abacha and Mr. Stephen Michoma, who were the original members of the District Selection Committee representing the District Agricultural Committee were replaced by Mr. Stephen Maturi, who is a member of the District Agricultural Committee, and Mr. Japhet Ogamba.

These are now the members representing the Kisii interests in this committee, having their names submitted to the Minister through the District Agricultural Committee. Mr. Speaker, as far as when they were appointed is concerned, I would like to say that they are, legally, members of the Kisii District Selection Committee, and for that reason, Mr. Speaker, I would like to mention here that even though, whoever becomes the member of this district committee I want to—

Mr. Lubembe: On a point of order, Mr. Speaker, Sir, this is a serious matter which can bring a lot of trouble. Is it not in order that the Assistant Minister should tell us when these people were appointed?

The Deputy Speaker (Dr. De Souza): We will leave that to the Assistant Minister to answer if he wants to.

The Assistant Minister for Lands and Settlement (Mr. Malinda): Mr. Speaker, I am not prepared to answer that now. If he likes I can—

Mr. Onsando: On a point of order, my point of order is, now that the Assistant Minister has agreed that this is a legal committee, which version shall the Kisii people have of the Government's versions, is it the Minister who has said that he is not aware of these changes or what the Assistant Minister is saying in front of the Minister. Is he not ashamed?

The Deputy Speaker (Dr. De Souza): That is not a point of order, it is a bad language to be used.

The Assistant Minister for Lands and Settlement (Mr. Malinda): What the Government was not aware of last week or yesterday does not necessarily mean that it is not aware of that today. Mr. Speaker, Sir, what I want to say is that the work of this committee is one of the very important factors, that of settling our people; and it is necessary that members comprising this committee should be people who discharge their duties for the benefit of the people whom they serve. It is, therefore, idle talking or idle thinking, for anybody to insist on a certain member or certain members of a certain committee to

[Mr. Malinda]

sit in a committee if their activities have been suspected not to be impartial. In the question of dealing with land; it is very important that impartiality must come first so that people being given the plots are the right people to have the plots.

With regard to the point that the hon. Member mentioned that plots which were given out on the 27th of last March have been sold, this Mr. Speaker, is news to us and I have no record of this. If the hon. Member would like to give more information on these plots which he alleges to have been sold, Mr. Deputy Speaker, Sir, I assure him action will be taken, because plots are given to the landless and not to anybody for his own

speculation purposes or for him to go and make a profit. These plots are given for the people to make a living out of them, and if any of them has sold his plot, Mr. Speaker, Sir, my Ministry will be only too glad to receive the particulars, whereupon we will take stern action. With these few remarks, Mr. Speaker, I beg to oppose.

ADJOURNMENT

The Deputy Speaker (Dr. De Souza): It is now time for interruption of business. This House is now adjourned until tomorrow, Thursday, the 29th May, at 2.30 p.m.

The House rose at Seven o'clock.

Thursday, 29th May 1969

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

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

PRAYERS**COMMUNICATION FROM THE CHAIR****ABUSE OF PRIVILEGE: GOVERNMENT
SPOKESMAN'S PRESS STATEMENT**

The Speaker (Mr. Slade): Hon. Members, my attention has been directed to a statement by an unnamed Government spokesman through the Kenya News Agency, which was published in the Press yesterday, criticizing certain allegations which have been made by hon. Members in this House during the current debate on the President's Address, and the manner in which the Press has given publicity to those allegations.

I am not concerned with the substance of such criticism, though I sincerely hope that the Press will remain free to give full and fair publicity to all that is said in this House; but I am very much concerned that Government should resort to the Press for the purpose of answering anything that is said in this House.

Members of the public, including editors, are free to criticize in the Press anything that is said in Parliament, so long as such criticism does not amount to contempt of Parliament. But it is an unwritten rule of this and many other Parliaments that our own Members should not carry any of our debates outside the House.

Every Member of the Government from His Excellency the President down to the most junior Assistant Minister is a Member of this House. This, as our President has said, is our forum for discussion and proposal, for question, objection or advice; and it is here and nowhere else that members of the Government, whether individually or collectively, should answer what is said by other hon. Members in this House.

There are nearly 50 Ministers and Assistant Ministers who might have intervened in the current debate to answer the allegations of which the anonymous Government spokesman complains; but, to the best of my knowledge, though this debate has now continued for five days, not one of them has yet intervened for that purpose. Indeed, the majority of Ministers and Assistant Ministers have been conspicuous by their absence throughout the debate. There is still time for this to be corrected, and I do urge members of Government to use this forum and no other for the purpose of answering the speeches which have

already been made by more than 60 Backbenchers, and such further speeches as may yet be made during the remainder of this debate.

Resort to the Press for that purpose, in the name of Government, if, indeed, authorized by any Minister, can only be regarded as contempt of this House, and I trust that it will not occur again.

Mr. Tsalwa: On a point of order, Mr. Speaker, this was a very serious attack on the Members of this House. Will it, therefore, be in order if the Attorney-General of the Republic of Kenya made an official statement to denounce what was reported in the papers by a so-called Government spokesman?

The Speaker (Mr. Slade): I understand, hon. Members, that Mr. Mbogoh wishes to seek permission today to pursue this matter under Standing Order 20, that is, not the substance of the criticism—because I will not allow discussion of that, since that will only be aggravating the offence by allowing us to take cognizance of a debate outside this House—but the fact that there was this criticism in the Press and, possibly, the fact that there is some suggestion that the Press should not publish what happens in this House. Those are proper matters to be raised under Standing Order 20.

I think, Mr. Mbogoh, you were seeking to raise this. If you would like to raise it now, or, rather, seek to raise it, we will see if the House supports you. We will deal with it in that way.

**NOTICE OF MOTION FOR THE
ADJOURNMENT UNDER S.O. 20****GOVERNMENT SPOKESMAN'S PRESS STATEMENT:
AN ABUSE OF PRIVILEGE**

Mr. Mbogoh: Thank you, Mr. Speaker. Yesterday, I tried to raise this matter under Standing Order 20, but I found that the Deputy Speaker did not want it raised because there had not been prior consultation. So, having duly consulted you on this, Sir, I would be very glad if I could get the chance to raise the matter today under Standing Order 20.

Hon. Members: Now, now.

Mr. Mbogoh: I would like to raise this matter today, or now, if hon. Members so prefer me to say, concerning the statement made by the Government spokesman and announced on the Voice of Kenya and printed in all the newspapers of this country.

The Speaker (Mr. Slade): I understand, Mr. Mbogoh, that it is only that aspect of Government having used the Press to comment on a debate in the House that you want to pursue and not the

[The Speaker]

substance of the comment which, as I say, we cannot allow under this procedure. I do regard this as a definite urgent matter of national importance and if it is supported by 20 Members I shall allow you to raise it.

(A number of hon. Members stood in their places)

Order! On such occasions it is for the Speaker to fix a time when the matter should be raised, and I will allow Mr. Mbogoh to raise it at 5.45 this evening.

Mr. Odero-Sar: On a point of order, Mr. Speaker, I think that there is something smelling in this Chamber. I do not know whether you also smell it; I do not know what is wrong.

The Speaker (Mr. Slade): I do not know if there is something dead in the Chamber—I hope it is not an hon. Member—but I do agree that there is something wrong. Would the Serjeant-at-Arms please get it put right somehow.

NOTICE OF MOTION

NAKURU MUNICIPALITY TO BE GIVEN CITY STATUS

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

THAT, since Kenya has only one town enjoying the status of city, and in view of the fact that the town of Nakuru has grown both in industry, population, and thus importance; and since further this town is the home and granary of the most important sector of our economy, namely agricultural industry, this House pleads and resolves that Nakuru Municipality be raised to the status of city.

ORAL ANSWERS TO QUESTIONS

*Question No. 68*ACTION AGAINST LORRY DRIVER'S ACCIDENT
IN RABAI

Mr. Mwatsama asked the Vice-President and Minister for Home Affairs if he would tell the House what action the Government had taken against the lorry driver (No. KAS 198) which knocked down Mr. Juma Kandi at Rabai on 22nd January 1969, and failed to report the accident to the police.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply. At the time of the accident, no one managed to note the number of the vehicle. None of the available witnesses can identify the vehicle either. The accident is still under investigation although no one has so far been charged with the offence.

Mr. Mwatsama: Mr. Speaker, Sir, since this is a private road and is only being used by this lorry, is the Minister prepared to take legal action if I can produce a witness?

Mr. arap Moi: Yes, Sir.

Question No. 100

POLICE AND ARMY RECRUITMENT IN NYANZA

Mr. Ondiek-Chillo asked the Vice-President and Minister for Home Affairs if he would tell the House why was it that for the last two years no recruitment for the police or for the army had taken place in Nyanza.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply. For security reasons I am unable to answer this question.

Mr. Ondiek-Chillo: Arising from that answer, Mr. Speaker, do I understand from the Vice-President that for security reasons, as he has stated, the Government has now adopted a policy of not employing the Luo people in Nyanza? Tell me this.

Mr. arap Moi: Mr. Speaker, I say with a big no, "No". On a number of occasions, we have stated that we cannot, as a Government, do these things on a tribal basis. If we are to adopt a national attitude, we must not expect such things. As we know also, those who are dealing with these matters are doing this independently and I do not want to go into the pros and cons of the bodies that are concerned with this, and the House is well aware of the bodies which deal with these matters without even my own advice or anybody else's.

Mr. Odero-Sar: Mr. Speaker, Sir, may we know from the Vice-President that if the Nyanza people are recruited into the police force and the army this is a security risk for the Kenya Government?

Mr. arap Moi: Mr. Speaker, no. I want to assure the hon. Member that a large section of the Luo community are in the police, and why should he say that we are discriminating?

NOTICE OF MOTION FOR THE
ADJOURNMENTMATTER OF REPLY TO QUESTION NO. 100: POLICE
AND ARMY RECRUITMENT IN NYANZA

Mr. Obok: Mr. Speaker, arising from the reply from the Vice-President, and if I am allowed by the Questioner, I would like to raise this matter on the adjournment.

The Speaker (Mr. Slade): Do you agree, Mr. Chillo?

Mr. Ondiek-Chillo: Yes, if the Vice-President allows this I will also allow this.

The Speaker (Mr. Slade): Very well. Next question.

ORAL ANSWERS TO QUESTIONS

Question No. 63

DESTRUCTION OF HISTORIC DOCUMENTS BY COLONIAL ADMINISTRATORS

Mr. Munyi asked the Minister for Natural Resources if he would tell the House if it was true that many useful and historic documents had been destroyed by the colonial administrators just before independence; and if so, what immediate action was the Government taking to replace these documents.

The Minister for Natural Resources (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply. The answer to the first part of the question is, yes.

As regards the second part of the question which will answer the question, "Why?", the hon. Member will no doubt appreciate that the Government cannot restore documents which have already been destroyed. Every effort, however, is being made by our Chief Archivist to consolidate those documents which survived the bonfires and other methods of destruction.

Mr. Munyi: Mr. Speaker, Sir, arising from that answer and arising from the report which is with the Government, will the Minister tell this House what reasons did the then rotten Colonial Government give for having burnt our important historical documents? What reasons did they give because they wanted things not known from the documents?

Mr. Nyagah: Mr. Speaker, the reasons are as well known to the hon. Member as to any of us here.

Mr. Karungaru: Mr. Speaker, Sir, arising from that reply, is it not true that some of these documents are now found in the United States in some of the universities there, whereas in our university here we do not have such facilities? It is high time that the Government got hold of those documents which are now in Great Britain and also the United States because we require them.

Mr. Nyagah: Mr. Speaker, Sir, no doubt the hon. Member's rumours are rumours that the Government has also heard. To say that these documents are only to be found in the United States or Great Britain is an understatement; they are all over the world and every attempt is being made to see whether we can get them, but we cannot get them by force from these sovereign States.

Mr. Sijeyo: Mr. Speaker, Sir, is it not true that in 1963, I, in person, reported to the Government that the former District Commissioner in Nakuru, Mr. Brown, was burning the documents because he feared that if these documents were known to this Government they would be discriminated against because they tortured the Africans who fought for the true independence of this country?

Mr. Nyagah: The hon. Member may be speaking the truth, but it is not right to single out any one officer. It happened in many places where the government of the day, the Colonial Government, had offices.

Mr. Makone: Mr. Speaker, Sir, has the Minister or the Government made any endeavour to make a public appeal so as Members of Parliament and, for that matter, anyone else, to come forward and give some information?

Mr. Nyagah: Mr. Speaker, Sir, the Government has made efforts to do that. There is a National Archives Board which does this and, as a matter of fact, our Speaker is on that Board. May I take this opportunity through you, Sir, to appeal to the members of the public to present to this very important national body—the National Archives—any documents of historical importance that they may come across or know of.

The Speaker (Mr. Slade): Mr. Minister perhaps, as you referred to my work in another capacity on this board, I can assure you and the House that the council actually has in hand at this very moment an operation to bring to the notice of the public the importance of this matter.

I think we should go on now.

Question No. 83

MORE SUBCHIEFS IN YATTA LOCATION

Mr. Munyasia asked the Minister of State, President's Office, if the Minister would consider employing two more subchiefs as it was in 1953 in Yatta Location, in view of the fact that Yatta Location was a vast area.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. Yatta B2 Location is mainly a ranching scheme currently administered by a chief and six administrative police. Although the area is vast—

Mr. Munyasia: On a point of order, Mr. Speaker, Sir, is the Minister in order to allege that Yatta is a ranching scheme whereas I am asking for Yatta? There are two Yattas, as the Minister is aware, which is my location and which I represent.

The Speaker (Mr. Slade): Mr. Munyasia, wait for the end of the answer and then you can put in a supplementary question, but you have not got a point of order at this stage.

Mr. M. Koinange: Mr. Speaker, with your permission I will start again.

Yatta B2 Location is mainly a ranching—the word is “mainly”—scheme currently administered by a chief and six administrative police. Although the area is vast, the population is so scanty that it does not warrant the employment of more staff.

However, Mr. Speaker, the hon. Member is assured that should the necessity arise in the future the area will be considered together with other deserving areas.

Mr. Munyasia: Mr. Speaker, Sir, arising from that very confusing answer by the senior Minister who is in the President's Office, that he referred to Yatta B as a ranching scheme, and yet he knows that I referred to Yatta where there is a chief plus four subchiefs. Why does he confuse the issue? B2 Yatta is for ranching, but I am now referring to the people who have settled in Yatta A.

Mr. M. Koinange: Mr. Speaker, Sir, we are not confusing this and the ranching scheme is actually an asset to the country, to the nation; it is not a crime for an area to be suitable for ranching, and I am sorry to hear that the Member is retaliating.

Mr. Mbai: Mr. Speaker, Sir, arising from the Minister's reply, could he tell us why he has only found fit to have four administrative police in B2 Yatta without having at least one subchief in the location?

Mr. M. Koinange: Mr. Speaker, I have just said that it has been administered by a chief, who actually has six administrative policemen, and he is a chief like any other employed by Government in any other area, with all their powers.

The Speaker (Mr. Slade): Next question.

NOTICE OF MOTION FOR THE ADJOURNMENT

MATTER OF REPLY TO QUESTION NO. 83: MORE
SUBCHIEFS IN YATTA LOCATION

Mr. Munyasia: On a point of order, Mr. Speaker, would you allow me to pursue this question further, because this Yatta he is referring to is out of the question.

The Speaker (Mr. Slade): Yes.

Mr. Munyasia: Thank you, Sir.

The Speaker (Mr. Slade): Next question.

ORAL ANSWERS TO QUESTIONS

Question No. 116

CHIEFS PARTICIPATING IN KANU MEETING, UGUNJA MARKET

Mr. Odero-Sar asked the Minister of State, President's Office, if he would tell the House what legal steps he had taken to discipline those chiefs and subchiefs who practically involved themselves in a Kanu meeting on the 19th January 1969, at Ugunja Market, where resolutions using abusive and violent words were passed against the KPU Members of Parliament and the Leader of the Opposition, the hon. Oginga Odinga.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. No legal steps could be taken because the allegation is unfounded.

Mr. Odero-Sar: Mr. Speaker, Sir, it is becoming the way of this Minister to try and defend something which has happened. Will he tell me and the House who had a meeting on the 19th January this year in this market and who was the chairman?

Mr. M. Koinange: Mr. Speaker, the hon. Member should be in a better position to know. May I add to that question that the chief and the subchief of the area were at Ugunja Market during the meeting carrying out administrative duties; neither the chief nor the subchief spoke nor did anything that could be regarded as tactical involvement in any other matters political or Kanu, and as they never spoke a word at the meeting, this is actual fact.

Mr. Odero-Sar: In view of the fact that the Minister is telling the House an incorrect answer, is he not aware that the Kanu chairman in their district, Mr. Walter Odede, convened a Kanu meeting and the chief and the subchief attended, and this was not administrative work?

Mr. M. Koinange: That, Mr. Speaker, I am not aware of, and if Kanu actually called a meeting which was open to everybody, the attendance and speaking at the meeting—It was that they were involved, which I decline.

Mr. Sijeyo: Mr. Speaker, Sir, is the Minister trying to tell us in this House that there are some political meetings at which Government servants are allowed, and to some of them they are not allowed, since he has told us that the meeting involved was not purely political but was called for all members of the public? Would he explain that to the public here?

Mr. M. Koinange: Mr. Speaker, Sir, I am not trying to say that; what I am saying is this: the officials of the Government are actually required

[Mr. M. Koinange]

and have a right to be at any place as observers, not as participants; they are there for peaceful purposes but not for participation as at a political meeting, whether it is a Kanu meeting, or anything else.

Mr. Odero-Sar: Mr. Speaker, will the Minister agree with me that these chiefs and subchiefs were invited by letters from Kanu officials of the district to address the meeting?

Mr. M. Koinange: Mr. Speaker, Sir, I think it is fair and proper for a Member of Parliament wishing to hold a meeting to inform the chief. What is wrong with that?

Question No. 14

VEGETABLE PROCESSING FACTORY, HAMISI

Mr. Godia asked the Minister for Agriculture if he would tell the House what he was doing to install a vegetable processing factory in Hamisi so that most of the vegetables grown in Hamisi could be exported to other countries for consumption.

The Assistant Minister for Agriculture (Mr. Murgor): Mr. Speaker, Sir, I beg to reply. It may interest the hon. Member to know that my Ministry has commissioned a market study for Kenya's horticultural produce. This study includes a survey for local production, and inquiry into interim market channels, and a study of local and external market outlets. This study is the first phase of a large project to develop the horticultural industry. As a result of the study, the Minister for Agriculture intends to establish a research and extension programme at a later date to initiate the establishment of processing industries based upon horticultural produce. The preliminary study was started in October 1968, and it is expected to continue for at least a further six months. When the information from the study has been analysed, we shall be able to establish the research and extension priorities with a view to organizing marketing of the produce. We foresee that, with better controlled production and with accurate knowledge of production, the establishment of horticultural crops processing plants should be suitable in different parts of the country to handle what we expect to be an important group of crops. The establishment of such plants will depend upon the regular supply of high-quality produce and the availability of a ready market. The plants established would have to be extremely efficient to meet the challenge of the very strong competition that exists in the field of horticultural processing.

Mr. Godia: Arising from the Assistant Ministers' reply, will he tell the House, whether those concerned with the study and analysis of the process would visit Hamisi and whether they would consider placing our request, as number one.

Mr. Murgor: Mr. Speaker, Sir, this study group visits all parts of the country and we hope they will visit Hamisi too.

Question No. 91

AUDIT OF GUSII COUNTY COUNCIL ACCOUNTS

Mr. Kebaso asked the Minister for Local Government if he would tell the House—

- (a) why Gusii County Council accounts had not been audited for the last four years;
- (b) whether it was also true that even estimates of revenue and expenditure had not been approved for the same period.

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

(a) The Gusii County Council Accounts have been audited for the years 1964 and 1965. In May 1968, the County Treasurer was removed from office for failure to prepare accounts. Accountants have had to be employed to prepare the 1966/67 accounts and hence the delay.

(b) The estimates of the county council for the year 1966 were not approved. In 1967 and 1968, draft estimates were not approved because of lack of supporting details and failure of council officers to reply to Ministry letters. The same problem exists with the approval of the 1969 estimates.

Mr. Kebaso: Mr. Speaker, Sir, is that an indication that the money in Gusii County Council, is being banked somewhere that nobody knows because nobody knows what is happening with this money? Where does the county council get money to pay its employees if no Revenue or Expenditure Estimates have been prepared?

Mr. Njiiri: Mr. Speaker, Sir, the money is there. At present we have a Provincial Financial Adviser and he gets in touch with the officers concerned. This delay, I would like to inform the hon. Members is due to the Treasurer who did not speed the matter up as fast as the Ministry required.

Mr. Onsando: Mr. Speaker, Sir, arising from the earlier reply that in 1964 and 1965 the books have been audited, why is it that there has been no publication of the inspection of these audit books in accordance with Local Government Regulations?

Mr. Njiiri: Mr. Speaker, Sir, my Ministry is at all times approving the estimates accordingly. These books were audited and that is why my Ministry approved it in 1964 and 1965.

Mr. Nyaberi: Mr. Speaker, Sir, as sometimes the Ministry of Local Government does not get any information from the officers of the county councils, what happens in such cases, or do you leave them as they are?

Mr. Njiiri: Mr. Speaker, Sir, I remember I visited Gusii County Council six times last year to ask the officers to submit the details to the Ministry. We always take the initiative, by sending our Provincial Adviser or sometimes we ourselves go in person. We always do that, we do not stay idle.

Question No. 92

SURCHARGE OF GUSII COUNCILLORS

Mr. Kebaso asked the Minister for Local Government if he would tell the House—

- (a) how many Gusii county councillors were involved in surcharge of the council funds in the last two years and how many of them have refunded the money they had been paid unlawfully;
- (b) what time of grace was given by the Minister to repay the money back to the council funds.

The Assistant Minister for Local Government (Mr. Njiiri): Mr. Speaker, Sir, I beg to reply. Certificates of surcharge have been served against six councillors. All the six have appealed to the Minister and he is in the process of determining their appeals.

Three others have agreed to repay moneys due from them by instalments and, therefore, they are not being surcharged.

The period allowed by the inspector for repayments by the three councillors is up to 30th June 1969.

Mr. Kebaso: Mr. Speaker, why does the Government not prosecute those people who took the money of Gusii County Council without proper authority by sending them to the courts in the same way as it does to the thieves?

Mr. Njiiri: Mr. Speaker, Sir, the Ministry is taking action according to the law of this country.

Mr. Onsando: Mr. Speaker, arising from the earlier reply that six councillors were surcharged, would the Assistant Minister tell the House why it has taken so long to hear the appeal of only six people since they were surcharged early last year?

Mr. Njiiri: Mr. Speaker, Sir, the period taken is not too long, because the matter had to be investigated and the Minister had to be satisfied before he took any action.

Question No. 62

NON-CITIZEN RESIDENT MAGISTRATES

Mr. Munyi asked the Attorney-General if he would tell the House—

- (a) whether there were any non-citizens working as resident magistrates; and
- (b) if the answer was yes, when those posts would be Africanized.

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

The answer is yes, to part one. In fact I think I should give the number and say that there are 17 non-citizens employed as resident magistrates. The Government hopes this number of non-citizens will be replaced shortly with Kenya citizens with like qualifications, character and ability. Several posts of resident magistrates have recently been replaced, as the hon. Member may have seen in the Press advertisements. In the meantime, we are fortunate to have these foreign gentlemen who are doing very good by working for the Government. I would like to inform the House that over the last three years five Africans have joined the Judiciary as magistrates. Now, one by one these men left us to either go into private practices or join the Community or the local authorities because of reasons known only to themselves. At the moment, Mr. Speaker, there are two Africans who are in the service and I hope that they will stay and be interested in their work instead of being interested in money.

Mr. Munyi: Mr. Speaker, Sir, arising from the answer from the Attorney-General and from the fact that ever since the first African was appointed Chief Justice he has proved by far better than the former Chief Justice, from the fact that there are a good number of State Counsels working in the Attorney-General's Chambers, and from the fact throughout the country there are some senior magistrates working, is it not possible that if these posts are Africanized and given to experienced African magistrates the work would run even more smoothly than it is running now?

Mr. C. Njonjo: Mr. Speaker, I have just said that we have had five Africans in the Judiciary and three of these men have left us. Therefore, they cannot fill these posts because they are already employed somewhere else. There are only two Africans at the moment in the service.

Mr. Ngala-Obok: Mr. Speaker, Sir, arising from the Attorney-General's acceptance of the fact that the salary paid to this type of staff in his Chambers is very low, is he going to look

[Mr. Ngala-Abok]

into this? Will the Attorney-General explain that he is going to consider raising salaries for these kind of staff in this country, so that we can have that particular part well staffed by Africans?

Mr. C. Njonjo: Mr. Speaker, I wish I was the Minister for Finance and then say that magistrates will get more money. I think the House will agree that the Judiciary cannot be treated separately from the rest of the Government Service. If you increase the salary in the Judiciary, then other Ministries will also ask for more salary. Therefore, we must be careful, when we increase any salary. The Government is, at the moment, looking into the whole salary structure of the Civil Service and of course, the Judiciary is in the Civil Service.

Mr. Okelo-Odongo: Although the Attorney-General is saying that the Judiciary is part of the Civil Service, I think he knows very well that it is a different arm of the Government and magistrates are not ordinary civil servants. Would he not agree with me that unless these jobs are made more attractive in terms of payment, and as long as the position continues that a person who leaves the Judicial Department will earn five times more than he has been earning, we shall have no Africans working there and the Judiciary which is an important section of the Government will be run inefficiently?

Mr. C. Njonjo: Mr. Speaker, I am the first person to agree that the salaries paid to magistrates, and also to the civil servants are not as high as the equivalent salaries in the private sectors. But I said, that if we look at one section of the Government and ignore the others, then you will be patching up this whole system. If, for instance, I left the service today, I would probably earn more than three times what I am earning, and, of course, there are people who have worked in Government Service, people who were State Counsels with me, who are now earning four times what I am earning. Who is to blame for that? It is either that our people decide to work for the Government instead of looking for the salaries.

NOTICE OF MOTION FOR THE ADJOURNMENT

MATTER OF REPLY TO QUESTION NO. 62:
NON-CITIZEN RESIDENT MAGISTRATES

Mr. Karungaru: On a point of order, Mr. Speaker, due to the fact that this Question has not been answered according to the desire of the House, and—

The Speaker (Mr. Slade): Order! Order! Are you wanting to raise this on the adjournment?

Mr. Karungaru: Yes, Mr. Speaker.

The Speaker (Mr. Slade): Just ask leave. That is all.

Mr. Munyi: No objection, Mr. Speaker.

ORAL ANSWERS TO QUESTIONS

Question No. 84

KITUI/MACHAKOS ROAD RESPONSIBILITY

Mr. Munyasia asked the Minister for Works if he would tell the House whether he would consider transferring the Kitui/Machakos Road from both county councils to Central Government so that the people of the two districts could have a better exchange of trade and communications.

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

The problem of the maintenance of all secondary roads in the country and the implication of transferring maintenance responsibilities of these to the Central Government is currently under review. The Kitui/Machakos road will be considered, along with the rest of the roads in the country.

Mr. Munyasia: Mr. Speaker, Sir, when are we expecting this consideration along with others?

Mr. Bomett: Mr. Speaker, Sir, the process has in fact been put in motion.

Question No. 68A

IMPROVEMENT TO ROADS, KILIFI NORTH

Mr. Mwatsama asked the Minister for Works if he would tell the House since there had been a very big improvement of health centres, *Harambee* secondary schools, etc., in the area of Kilifi North, whether he would consider improving the roads between Mariakani and Kilifi-Ganze, instead of leaving them to be controlled by the Kilifi County Council.

The Assistant Minister for Works (Mr. Bomett): Mr. Speaker, Sir, the problem of maintenance of secondary roads throughout the country is currently under review and any decision will await the outcome of that study.

Mr. Mwatsama: Mr. Speaker, Sir, since the Northern Division of Kilifi District area has been totally neglected, and since this road is very useful because of the creameries at Mariakani, would the Assistant Minister tell us how long they will take to study and give us the decision?

Mr. Bomett: Mr. Speaker, Sir, it is for this reason, this House passed the Motion last year recommending that the secondary roads should

[Mr. Bomett]

become the responsibility of Central Government and this is the reason, and also because we know roads are not very well looked after, why the Government has set up the machinery to look into the whole question and, as soon as it is completed, the Kilifi Road, along with the other roads in the country, will be considered.

Question No. 101

IRREGULARITIES IN MARKING CERTIFICATE OF
PRIMARY EDUCATION EXAMINATION PAPERS

Mr. Ondiek-Chillo asked the Minister for Education if he would tell the House with reference to a letter dated 10th February 1969 from the General Secretary of Kenya National Union of Teachers circulated to all M.Ps. alleging irregularities experienced by the computer marking the Certificate of Primary Education Papers, whether the Minister would deny such irregularities.

The Speaker (Mr. Slade): Before inviting Dr. Kiano to answer this question, I should point out that it refers to a letter which has not actually yet been laid on the Table. It was a letter which the Minister promised to lay on the Table during the last session and omitted to do so. It has since been circulated to hon. Members, but the position would be regularized if he would go through the motion now of laying that letter on the Table. An actual copy is not required, but if you would do that before you answer the question, Dr. Kiano— I think you could then proceed to answer the question.

(The Minister for Education (Dr. Kiano) laid the letter on the Table)

The Minister for Education (Dr. Kiano): Mr. Speaker, Sir, while going through the formal motion, and I am sure the hon. Members have received copies of the letter in English for those who do not speak the Gusii language, I beg to reply to Question No. 101.

The Kenya National Union of Teachers sought constantly to blame the computer for some irregularities in the marking, but the facts are that some technicians were not trained well enough in the use of the computer and some irregularities occurred as a result. My officers worked day and night to correct these irregularities and I am all for the computer. The mistakes were not made by the computer, but by the personnel employed to handle the computer.

Mr. Ondiek-Chillo: Mr. Speaker, Sir, is it not true that the personnel could do the work better than the computer? Why should the use of a

computer be maintained in our country where the question of unemployment is very serious? Why should that be so?

Dr. Kiano: Mr. Speaker, Sir, we are now training these technicians to make sure that they are fully used to the computer. If the hon. Member insists on marking by hand, he should realize that we have 160,000 pupils taking three papers and if we were to do it by hand, the return to schools would have been seriously delayed.

Mr. Godia: Mr. Speaker, Sir, since most teachers throughout Kenya and most Members of this House are opposed to the marking of papers by computer, would the Minister consider this year using our college personnel to mark the examination papers rather than using the computer.

Dr. Kiano: I am sure the hon. Member is referring to the teacher training colleges, but the facts are that we must not blame a machine for human failure.

Mr. Munyi: Mr. Speaker, Sir, arising from one answer, is it not true that the last time papers were both marked by people and secondly by computer, because the first time when the results came out they were found to be incorrect? Therefore, the second marking was to be done by the people in the Ministry, and that is why there was a delay in giving the results of the Certificate of Primary Education and other examinations.

Dr. Kiano: Mr. Speaker, Sir, the hon. Member has just said what I said in simpler English.

Mr. Cheboiwo: Mr. Speaker, Sir, arising from one of the answers from the Minister that these personnel were not experts, what evidence can he give the House that the persons now employed will do better?

Dr. Kiano: Mr. Speaker, Sir, the particular computer used last year had come in the same year and perhaps there was not enough time to train the technicians, and I say in full confidence that during the year 1969, I have trained these fellows far better than during the short time I had in 1968.

NOTICE OF MOTION FOR THE
ADJOURNMENT

MATTER OF REPLY TO QUESTION NO. 101:
MARKING OF CERTIFICATE OF PRIMARY
EDUCATION EXAMINATION PAPERS

Mr. Godia: Mr. Speaker, Sir, this question has been embarrassing many people and is important to the country and, since the people would like the examination papers corrected properly this year, would I be in order to ask the Mover's

[Mr. Godia]

permission to raise the question on the adjournment, so that I put the case properly to the Minister?

The Speaker (Mr. Slade): You are asking permission to raise the question on the adjournment?

Mr. Godia: Yes, Sir.

The Speaker (Mr. Slade): You are asking permission to raise this on Adjournment? Any objections?

Mr. Ondiek-Chillo: Oh yes. Yes *yanyayeala-guonyi*.

The Speaker (Mr. Slade): Hon. Members, before we go on, I think I have made a mistake here with regard to this particular letter. I was confusing it with another one, concerning advice by the teachers' union to students not to take an examination again in Kisii. This letter was also circulated, I think, to hon. Members, but it has not been officially laid on the Table; so we are glad to have it on the Table for the purpose of this question even though I had the wrong one in mind. I apologize.

The other letter will be laid, I think, another time. Thank you. It was my mistake.

Question No. 117

NZOAIA TRADING CENTRE: ASIANS WITH TRADING LICENCES

Mr. Odero-Sar asked the Minister for Commerce and Industry if he would tell the House why some Asian traders at Nzoia Trading Centre, had been licensed to continue with their business this year, 1969.

The Assistant Minister for Commerce and Industry (Mr. Kerich): Mr. Speaker, Sir, I beg to reply. Early this year, eight non-citizens applied for trade licences to conduct their business as they had done before at Nzoia Trading Centre. Four applications were approved and the rest were turned down. Those Asian traders were granted trade licences in order to give adequate services and to allow time for a smooth take-over of the business by Africans in the area. I expect that in another year or so there will no longer be need to retain the four non-citizens as Africans will come up.

Mr. Odero-Sar: Mr. Speaker, Sir, what are the adequate services, since the Asians are in petty trades, which the Africans in the area can do?

Mr. Kerich: Mr. Speaker, I think that is common sense. I would request the hon. Member to start grooming businessmen in his area, so that early in 1970, they will take over these businesses.

Question No. 121

VETERINARY SCOUTS—TANA RIVER

Mr. Wakole asked the Minister for Agriculture if he would tell the House whether, since the Ora people are scattered all over the Tana River District in search of grass and water for their cattle and in some places they do not see a veterinary scout for several months, he could consider increasing the veterinary scouts in this district.

The Assistant Minister for Agriculture (Mr. Murgor): Mr. Speaker, Sir, I beg to reply. The answer is no, Sir.

Mr. Wakole: Mr. Speaker, Sir, from the answer "No, Sir", could the Assistant Minister tell the House why, Sir?

Mr. Murgor: Mr. Speaker, Sir, the Tana River District has one District Livestock Officer, three Animal Health Assistants, and four Junior Animal Health Assistants. This establishment is comparable to other similar districts, and we do not agree that the people who want the services of these officers have to go for miles before they can get hold of one.

The Ministry is giving emphasis to more coverage on range matters, in accordance with the Government policy, particularly in view of the proposed range management schemes, and ranching for this area. However, although we would like to increase the number of staff to cope with additional work, we are held up due to the lack of funds. Mr. Speaker, Sir, I am proposing to tour the Tana River District next month, and I will discuss the matter with the Government officers in the field.

Mr. Komora: Mr. Speaker, Sir, with all due respect to the hon. Questioner, does the Assistant Minister agree with me that it is the duty of the hon. Questioner to advise his constituents to organize themselves into settlement ranching schemes?

Mr. Murgor: Mr. Speaker, Sir, I did not hear what he said.

The Speaker (Mr. Slade): Repeat your question, Mr. Komora.

Mr. Komora: Mr. Speaker, Sir, with all due respect to the hon. Questioner, would the Assistant Minister not agree with me that the hon. Questioner should and must advise his people to stay together in ranching schemes, rather than scattering themselves all over the place?

Mr. Murgor: If the hon. Member is asking that the hon. Member should advise his people to stay in one place, rather than moving from one place to another, I would accept his theme.

QUESTION BY PRIVATE NOTICE

ILLEGAL COURTS BY SUBCHIEF, MULANGO
LOCATION

Mr. Munyasia: Mr. Speaker, Sir, I beg to ask the Minister of State, President's Office, the following question by Private Notice:—

- (a) Is the Minister aware that on 26th February 1969, in Mulango Location—Thome 10 and 11—the Subchief Isika Kikulu formed an illegal court and fined a schoolboy namely Iieli, Sh. 70?
- (b) That on 29th February 1969, the same subchief held another illegal court and fined the same boy Sh. 40 plus three goats?
- (c) That on 26th April 1969, the same subchief held another illegal court and fined the following school pupils as follows:—

| | | |
|----------------------|------|----------|
| (i) Nguthu Mwanza | 10/- | 3 goats. |
| (ii) Kanuku Mutio | 10/- | 3 goats. |
| (iii) Mutia Muli | 10/- | 1 goat. |
| (iv) Mutinda Kalinde | 10/- | 3 goats. |
| (v) Kavuu Nguli | 10/- | 3 goats. |

What were the reasons for these fines?

The Speaker (Mr. Slade): Conversation quieter please!

The Minister of State, President's Office (Mr. M. Koinange): Mr. Speaker, Sir, I beg to reply. I am not aware of any illegal court having been held by Subchief Isika Kikulu on the respective dates mentioned by the hon. Member. However, I am aware of an attempt by local elders to settle a dispute between Mr. Mwembe and five boys who were involved in an assault on his daughter, in which the fines mentioned by the hon. Member were imposed.

Mr. Munyasia: Mr. Speaker, Sir, arising from that confusing reply by the Minister in which he is trying to cover up the truth, is the Minister aware that there were eight elders under the chairmanship of the said subchief on the 26th—

Hon. Members: Illegal courts?

Mr. Munyasia: That was an illegal court on 26th, and according to what I have here about that, the boys paid Sh. 10 each plus three goats and the other Sh. 70 were paid to the same subchief who is retaining it until now. Why is this?

Mr. M. Koinange: Mr. Speaker, Sir, some time this year five schoolboys assaulted Mr. Mwembe's daughter. When the matter was reported to the subchief by Mr. Mwembe, he was advised to let the matter be dealt with by the local elders according, Mr. Speaker, to *Akamba Atui* customary law.

Mr. Speaker, Sir, I would like to mention here that it is the duty either of the chief, or subchiefs to assist people of the area to settle some of their disputes without unnecessarily going into the courts. This advice, Mr. Speaker, however, is given on the understanding that if the parties involved in the dispute do not agree to the settlement, they are free to take the matter to a court of law. In this case, Mr. Speaker, they did not agree, and the matter is still outstanding. The Members will be informed because the parties in question took the matter to the court.

Mr. Munyasia: Being disappointed by the answer, Mr. Speaker, I would like to ask if the Minister is aware that the matter was reported to the District Officer, Central, and the District Officer, Central, did drive to the same sublocation, and found the chief had held an illegal court—and there is the record—and all the money was returned except the Sh. 70 which the subchief still has, and also Sh. 40 and three goats which were paid for by a teacher, who is not a woman but a man? Why?

Mr. M. Koinange: Mr. Speaker, Sir, I gave the information which I have received this afternoon, and I believe this to be quite correct.

NOTICE OF MOTION FOR THE
ADJOURNMENTMATTER OF REPLY TO QUESTION BY PRIVATE
NOTICE: ILLEGAL COURTS IN MULANGO
LOCATION

Mr. Munyasia: On a point of order, Mr. Speaker, will you allow me to pursue this matter further so that I can shame the Minister by laying my evidence on the Table?

The Speaker (Mr. Slade): Order! We must go on now. Mr. arap Moi, you have a Ministerial Statement to make, I believe.

MINISTERIAL STATEMENT

ALLEGATIONS OF CORRUPTION IN SENIOR CIVIL
SERVANTS

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I would like to make a Ministerial Statement on a matter which was referred to in this House in the course of the debate on the Presidential Address.

In the course of this Presidential Address, serious allegations were made against the integrity of certain civil servants. These allegations culminated to the pinpointing of two civil servants who are alleged to have acquired properties in a corrupt manner.

In a succinct and clear statement, the hon. G. F. Oduya, Member for Busia North, alleged that two Permanent Secretaries, namely Mr.

[The Vice-President and Minister for Home Affairs]

J. G. Kibe and Mr. A. J. Omanga, had acquired certain properties in Nairobi and elsewhere, and had paid cash for the properties. In his own words, he said, and I quote:—

“With your permission, Sir, I would like to give one or two examples. The first one is a very specific case. There is one Permanent Secretary—I will come to his name later—who, in 1967, bought a house, the land registration No. is L.R. 7258/31/Nairobi, value Sh. 62,000. In 1968, he bought a house registration No. L.R. 2327/99/Kiambu, value Sh. 62,000 cash. The same person then bought another house in 1969, land registration number L.R. No. 3734/326/Nairobi, on which he built a house for cash amounting to Sh. 180,000. The total being well over Sh. 300,000. The salary of this man, as I have calculated, is only for the last five years when he has worked as a Permanent Secretary, is Sh. 280,000, besides taxation, expenses and besides anything. This property he has bought is beside all other property he has. The man concerned is Andrew Omanga, the Permanent Secretary for Home Affairs. This is an example to show there is corruption. How is it that an individual like this has bought property worth this amount and yet his salary is below what he has spent on housing alone? What about other things because I hear he has large farms also? This means there is something wrong within the framework of the Government.”

The hon. Member, Mr. Oduya, also said, and I quote:—

“There is another one who bought a house in 1966, L.R. No. — I did not get the number because I was in a hurry, but he bought a house for Sh. 70,000 in 1966. In 1968, he again bought another house worth Sh. 130,000, these are all cash. In 1969, this year, he bought through an organization called National Property Company, of which he himself is the chairman. You can see there is corruption there. The chairman himself taking Sh. 200,000 to buy property amounting to well over Sh. 400,000.

Now, Sir, we are told that people must compete. This man is called J. G. Kibe, Permanent Secretary, Ministry of Commerce and Industry. I do not want to go to the politicians because they are also politicians, a few of them here.”

Due to the gravity of these allegations, the Government has carried out investigations to ascertain these facts. I would like to inform this House that the relevant documents show clearly how these gentlemen acquired these properties.

These documents have been verified and have been found to be in order. The documents show clearly that the money was obtained from financial institutions to buy properties. They also received credit facilities from commercial banks or deposited their life policies against such credits, and also used their personal savings. The properties in question are mortgaged, and instalments are being paid regularly. Credit facilities from these financial institutions are available to anyone provided that the requirements of the financial institutions are met.

Mr. Speaker, Sir, I hope the hon. Members will take this matter to be a serious one. They should listen very attentively.

Most serious of all, Sir, it is completely untrue that Mr. Kibe ever bought any property at all for Sh. 200,000 either through the National Property Company or otherwise.

In view of the fact that these allegations have now been proved wrong, Mr. Speaker, Government is now asking you, Sir, to require the hon. Mr. G. F. Oduya to withdraw them and apologize to this House.

Hon. Members: No. Why?

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

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, I wish to lay the following documents on the Table which show clearly how these gentlemen have acquired their properties.

(The hon. the Vice-President laid the documents on the Table)

The Vice-President and Minister for Home Affairs (Mr. arap Moi): I have concluded, Mr. Speaker, and I want to say that these Members, will one day, if they play about with the names of individuals without getting the true facts, find themselves caught.

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

Hon. Members, Mr. arap Moi has given you a statement as a result of investigations by the Government into these two allegation, and he has laid certain papers on the Table in support of his findings. Those papers will, of course, be available for all hon. Members to see. I have seen them already, and I can inform hon. Members that they consist of full statements by the two officers concerned as to what properties they acquired and how, supported by documents proving that they were, in fact, acquired through normal financial assistance from commercial concerns, insurance companies and so on; also, in the case of the alleged purchase by Mr. Kibe of property for Sh. 200,000, that is completely denied.

[The Speaker]

Now, comparing the facts given here with what Mr. Oduya said to the House, I find, as regards the purchases by Mr. Omanga, Mr. Oduya was substantially correct in his facts as to what purchases had taken place. He was not completely correct, but he was substantially correct. The only difference was, an important difference, that although the properties had indeed been bought for cash, as he said, that cash had been found by finance from elsewhere in the ordinary way.

As regards Mr. Omanga, therefore, I cannot say that Mr. Oduya has anything to apologize for in the facts that he brought before the House; but I can assure the House—and I am sure the House will be satisfied when they see these papers—that there was a perfectly innocent explanation of these purchases. So Mr. Omanga is completely in the clear.

As regards Mr. Kibe, again, as regards two of the purchases, Mr. Oduya was substantially correct as to what purchases had taken place; but his dates were wrong. Again, it transpires that the money was by way of finance from ordinary sources.

However, as regards the alleged purchase of Sh. 200,000 through the National Property Company, there was a very serious allegation coupled with a direct charge of corruption which is completely unfounded. That was a very serious thing indeed.

So I must now require Mr. Oduya, in that case, where of course, Mr. Kibe is also cleared completely, to make a complete withdrawal and a very sincere apology to Mr. Kibe and to the House.

Mr. Oduya: Thank you very much, Mr. Speaker.

Since this is a hon. House and as you have rightly explained, I take the part of Sh. 200,000, as you said, seriously. Therefore, I do not want to argue there. I apologize to my friend, Mr. Kibe. I also withdraw the remarks made in relation to the Sh. 200,000 only.

Thank you, Sir.

The Speaker (Mr. Slade): That is quite correct, except that I do not quite like that qualification at the very end, Mr. Oduya because you did ask the House to suspect these other purchases. Now, I have told you there is clear evidence which removes all suspicion. Without asking you to apologize, I hope that you will all accept that all suspicion is now removed. You did not mean to suggest, I hope, Mr. Oduya, that any suspicion remains.

Mr. Oduya: No, Sir.

The Speaker (Mr. Slade): Thank you.

I must just comment on this before we move on.

It is the duty of hon. Members to bring to the notice of this House facts which are disturbing the public, and to ask for explanation of those facts. But it is equally the responsibility, and a very heavy one, of hon. Members to make absolutely sure that they are true facts. It is a vital responsibility this, and any abuse of the privilege that you have in doing such things spoils the whole reputation of this House.

There is provision in Standing Orders for a Member who makes serious allegations, which he cannot substantiate, not only to be required to apologize but to be named for misconduct. In this case, because Mr. Oduya has been so quick to withdraw and apologize without reservation, I do not think I shall take any further action. But I do warn hon. Members that, on another equally serious occasion, it will not stop at an apology; there will be a naming of the Member concerned.

MOTION**THANKS FOR THE PRESIDENTIAL ADDRESS**

THAT, the thanks of this House be recorded for the exposition of public policy contained in His Excellency's Presidential Address from the Chair on 20th May 1969.

(The Vice-President and Minister for Home Affairs (Mr. arap Moi) on 21st May 1969)

(Resumption of debate interrupted on 28th May 1969) (Sixth Day)

Mr. Bala: Thank you very much, Mr. Speaker, for giving me this opportunity to say a few words about this Presidential Address.

First of all, Sir, I would like to take this opportunity to say that the Presidential Address did not actually touch on the very important point: the question of the national plan for the country. When we came to this House we were given an economic plan for 1964/66. Since that time, we have been told off and on that this country's plan is still being reviewed. That is to say, this country is now without any plan. It is just like somebody who is trying to build a house, a modern house without a plan. That is why we have this huge rate of unemployment, that is why this strikes us every day. This is because there is no national plan. That is why there are no schools, not enough classrooms, not enough hospitals; these things cannot be there

[Mr. Bala]

without a plan. In fact, Mr. Speaker, the whole Kenya nation is moving in darkness. We do not know where we are going.

I understand there is talk that we may have a plan for 1969/74. How can you make plans for years when a person does not know whether he is going to be elected? How can you plan for the years when, probably, KPU will be in power and will destroy that plan and have another instead? Sir, this is a way of bluffing the public. In fact, the Government has failed very much in leading the nation. The Government has had no plan.

Sir, you find 32-storeyed houses in Nairobi but in Kisumu, since independence, we have not seen—

The Vice-President and Minister for Home Affairs (Mr. arap Moi): On a point of order, Mr. Speaker, is it in order for the hon. Member to repeat exactly what the hon. Okelo-Odongo said? Is he in order?

The Speaker (Mr. Slade): We have a rule against repetition, Mr. Okuto Bala. I do not mind quite so much, when hon. Members are limited in their speeches, if they like to use their ten minutes by repeating what somebody else has said. We do not actually waste any time thereby. But it would be better if you said something new.

Mr. Bala: Mr. Speaker, Sir, if HANSARD is read, it may be found there is some repetition but not every word, I am sure. In any case I will leave that point alone because I would not like to repeat.

Now, Sir, the Presidential Address did not mention anything on this question of people being detained for a long time without any proper grounds. The President said there was stability in this country. Then why detain people indefinitely? We have had so many of our people detained, and they have been detained, some of them since 1965, 1966, to date. If the President really believes that there is stability in this country, why should he continue detaining our people without bringing them to justice? It is one thing to talk about stability and another to detain people when, in fact, somebody has given the world to understand that there is stability in this country, there is no danger, and so on. I think that is not a sincere statement. If the President was really sincere about stability, then the people who have been detained— In fact, Sir, they are all Luo, which means that there is somebody, somewhere who is only against the Luo. If there was any danger, then the danger would not only come from the Luo.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): On a point of order, Mr. Speaker, can he substantiate that all those detained are Luo?

Mr. Bala: Mr. Speaker, I was going to say that of the people who are detained, all but one are Luo. If there is this instability in the country, then is it only the Luo who are against this Government? That is a wrong thing. In fact, Sir, these people have been detained for too long.

I think the President should be advised by the Vice-President, who is also responsible for detention, that these people are no longer dangerous to the stability of this country, and they should be released.

Mr. Ondiek-Chillo: Rading joined them.

Mr. Bala: Mr. Speaker, the hon. Member says that Rading joined them. In any case, when he joined them he was wrongly advised and he ended up by losing his deposit. So they should be careful of those who are joining them from the Opposition. Some are rejected people who are not wanted but these are joining the other party to tell them certain *fitnas*, which is not a good thing. They end up by losing their deposits even though the Ministers spend a lot of time in Luo country trying to campaign. Nobody goes to their meetings.

Now, Mr. Speaker, the President appealed for Africanization in private industries and businesses to go on. However, the people who are actually entering industry and business must be assisted. This question of taking loans from Government institutions must be done without any tribalism. I challenge the Minister for Commerce and Industry that if a list were to be produced in this Chamber showing the people who have got loans, 90 per cent of the loans would have been found to have gone to Kikuyus and to nobody else. This is not the way of Africanizing industry. We must see that the loans go to every community in Kenya. In fact, people from my area have complained so much that, in fact, they say publicly the Luos are being discriminated against when they try to get loans from the Industrial and Commercial Development Corporation. It may be that they do not have a Luo on the board of directors.

How is it, Mr. Speaker, that the people who have been in the detention camps—they have been out for only six years—own bars in Kisumu, in Kakamega, in Kericho; where did they get the money? However, the people who have been out here and who were never detained, cannot even afford to own a shop in Murang'a. Why is it that these people are owning shops everywhere? There must be a plan somewhere privately about which

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we must be told. We are not going to allow all the tribes in Kenya, the Kisii, the Kakamega, the Luo, to be dominated by only one tribe. This is impossible. This is not national unity; we cannot have national unity based on one tribe dominating everybody.

Mr. Speaker, Sir, everybody fought for this independence and nobody should feel that somebody is the only man who fought for this independence. Without some of these tribal groups in Kenya who united against the imperialists and helped the Kikuyu we would never have achieved independence and, as such, nobody should believe that he is the only person in this country who rules this country; the Government is the Government for the people of Kenya and not a Government based on somebody believing that he is the only big head. That sort of thing is the sort of thing that brought about the evils of Biafra in Nigeria and we do not want to see that sort of thing happening in this country.

Mr. Speaker, when we talk about going back to the land: personally, in the area that I come from, the settlement scheme from Muhoroni, you find somebody working on the land for four years and when his sugar-cane is harvested he gets about Sh. 4,500, but all this Sh. 4,500 is deducted for loans for development and he gets nothing, or sometimes he gets a cheque for 30 cents. Thirty cents cash after somebody has worked for about four years in a settlement scheme, and he cannot get anything. This kind of thing is discouraging him from trying to work hard on the land. The President's attention should be drawn to such matters.

I have here, Mr. Speaker, a list of over 100 names of people who have harvested their sugar-cane, but then you find somebody being given 30 cents, somebody being given Sh. 5/80, when he is entitled to about Sh. 5,000.

Mr. Muruli: On a point of order, Mr. Speaker, I am sorry to interrupt the hon. Member, but he has just said that after a farmer has worked for four years on his sugar-cane farm he gets a cheque for 30 cents; can he substantiate that a farmer gets a cheque for 30 cents?

Mr. Bala: Mr. Speaker, Sir, what I said was that you find that a farmer works for four years and then he gets nothing, or for that matter he gets only 30 cents. I have here a letter written to Mr. Mark B. Obkwore, Muhoroni Area, Council Chairman—he is the Muhoroni Area Council Chairman—P.O. Box 12, Muhoroni. Mr. Speaker, this is the list of some of the people who have harvested their cane and you find in Tamu Scheme, you find in Muhoroni Scheme, you find also in

Godogoro Scheme, and I give one example here, Plot No. 061226: he harvested 91.6 tons, he got Sh. 4,188/75 and he ended up with nothing, and so on and so forth. I would like to lay this on the Table for any Minister to see. We are not going to work free.

(The hon. Member laid the letter on the Table)

Mr. Speaker, with these few remarks, I beg to oppose.

The Assistant Minister for Works (Mr. Godana): Mr. Speaker, I want also to speak on the President's Speech.

First of all, Mr. Speaker, I want to start on the question of the National Assembly elections. We have been for about six years Members of the National Assembly of Kenya and we must have enough experience ourselves and we must know where we are, and we must know also what we are going to face.

An hon. Member: Tell us.

The Assistant Minister for Works (Mr. Godana): One of my hon. colleagues is asking me to tell him and that is what I am going to do, Mr. Speaker.

My belief, Mr. Speaker, is that we should be proud to be Members of the National Assembly and that we should save the public from an expensive National Assembly General Election, and so each Member must know his own standing. To say that, in the first General Election we had we were apprentices, some of us, and we had to depend on somebody, some organization, to tell us how to work and what we could do. I think it is high time that these hon. Members went back again to ask how to campaign. This is to show that somebody is not capable and that is what I am saying. We must convince our people of nothing else but our party and, secondly, get our people to vote for us. In my experience, I have seen that most of the Members do not depend on the voters and the party, but they depend on someone. That is how mistakes come about what is going to happen. If we have only one evil group which has wrong feelings, the whole organization will collapse, and who is going to be blamed? The blame is on yourself because I do not see why the blame should be on somebody else. You should first think of yourself as a man and then you can come back to the National Assembly as a man and then you can be proud that you are an experienced National Assembly Member.

Also, Mr. Speaker, I appeal to hon. Members because I want all of them to come back to the National Assembly. I want to see these Members here because we are experienced in the National

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Assembly. When we come to elections we are going to use this experience we have when we come back. If we are all new here, we will come back as new people such as in 1963—all will be crude—and I do not like that. I want all my colleagues to use their energy and convince their people so that they can come back to the National Assembly with seven years' experience. This will give us good National Assembly Members with this much experience.

Mr. Speaker, as I have said, to do this we must face this problem as individual constituency Members and this can help us. I know my business because I have been a Member of the National Assembly and I have a Kanu mandate and I have taken part in three other elections besides my own. I was responsible for these other elections. Through those elections, including mine, I noticed that a person always depended on somebody else. Suppose the party chairman is weak and does not know how to organize and he does not know how to conduct the campaign, the candidate has to look elsewhere for support. There is something wrong there. I want all hon. Members to realize that we are going to stand on our feet deciding our National Assembly and our party, but not someone else or some other group.

Secondly, Mr. Speaker, I want to go to the Ministry of Works. The Ministry of Works is responsible for the roads and for Government buildings. I appeal to the Government to help us to find the proper way which is not very expensive and technical. As regards houses, we are getting a lot of letters about recovering furniture and the repair of the houses and so I appeal to the civil servants to use their furniture in the correct way as well as maintain our houses properly. At the same time, I appeal to the public that they should use the roads in the proper way. I mean that the county councils, during the rainy time, should ensure that people are careful in the way they use the murrum roads. You find that when the rains come and people are using four-wheel drive or other heavy vehicles, they are spoiling the roads. To maintain these roads, Mr. Speaker, is very expensive and we need a lot of money, but where are we going to get that money? I appeal to all the hon. Members who put these questions about the roads from here to there to look out that the roads they have now are used carefully, particularly during the rainy weather. In my experience, I am also using the same as the others are using, and you must be careful. If you look at the vote for the Ministry of Works you find that it is very big, but if you look at what they have done with it, you will be surprised. The buildings are very expensive and they are not expensive on

economy alone, they are also expensive because we have to use technical men who are expensive to be paid.

Therefore, Mr. Speaker, I do not have much to say on this. The only thing I want to say is that I appeal to the hon. Members to go back home when we have a recess, or when we adjourn, so that they come back with good faith when the General Election comes. Thank you, Mr. Speaker.

The Minister for Agriculture (Mr. McKenzie): Mr. Speaker, Sir, as both His Excellency and yourself said, this will be the last time that we debate the Presidential speech during during the life of this Parliament.

Mr. Speaker, as one responsible for a Ministry and only given ten minutes to answer what has been said on agriculture during the debate so far, it is an impossibility. Therefore, I think the points raised on agriculture are best left, perhaps, to the Agriculture Vote as, for the last six or seven years, it has always been the first vote. Mr. Speaker, as it is very doubtful that I will be standing here again for the next Presidential speech, I would like to take the opportunity of looking to the future as far as agriculture is concerned.

Since independence, Mr. Speaker, the country has now become self-sufficient in all its food-stuffs. Not only that, it has built up a strategic reserve which can keep us fully fed for 18 months at any time. Also and above that, our exports have gone up considerably.

Now, Mr. Speaker, the time has come when knowing that we only possess one-fifth of high potential land that in the future more per acre has got to be produced. Also our own people within Kenya have got to learn to consume more of what we grow. The Ministry has lately been reorganized and is ready now to, as it were, move off the launching pad, and there are three main aspects which must be taken care of by this House in the future of agriculture. One is that the planning section of the Ministry of Agriculture remains strong and that Kenyans serve in it. Secondly, that market research—one of the most vital elements in an independent country such as ours—has now reached the stage when we are getting involved in world markets, is most necessary. Members in this House seem to forget that we are the only independent country in Africa which has reached this stage of market research. Also we need to strengthen our general research in all aspects of agriculture. It is in these three aspects that agriculture has got to move ahead during the next decade, because there is nothing else for this country to rely on,

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at the moment, without having found oil or any minerals. It is only agriculture that one can rely on.

In the Estimates and in the Budget, hon. Members will learn of the tremendous development which is going to take place both in horticulture and in livestock over the next planning period. We are fortunate that the United Nations and the World Bank have accepted and loaned us a great deal of money and personnel to develop these areas which have never had much spent on them before.

I would like, Mr. Speaker, to take the opportunity of congratulating certain of the pastoral tribes who, already, are taking up this challenge in such a way that it has astounded not only me, but members of my staff. It was doubted for many years whether some of these pastoral people had the capacity to respond, and they most certainly have.

It is a pity, Mr. Speaker, that hon. Members in this House do not go around the country more to see what we have got, instead of travelling and worrying mainly about political meetings. We have, for instance, at Egerton, the finest agricultural college in Africa, including the Union of South Africa, and yet when I was up there the other day, I was even amazed myself to see what that board had done, mainly through voluntary contributions from various parts of the world. We have institutions and organizations, we are growing things in this part of the world and there are people who are doing fantastic jobs. It hurt me a lot the other day to hear what was said about certain of our civil servants, Mr. Speaker. I want to talk about my own civil servants in my Ministry.

Mr. Speaker, as regards the civil servants in my Ministry: I challenge any hon. Member in this House to go there any day he likes and he will see them in my Ministry working there until 7, 7.30 and even 9 at night, every day of the week. I have seen them working on Sundays in the Ministry. It is these civil servants and this calibre of civil servant who is carrying this Government. It hurts me a lot, Mr. Speaker, when I hear generalized criticisms of civil servants. There are civil servants in our Government, the great majority of them, whom we are very, very fortunate in having, and I think that hon. Members should, Mr. Speaker, try and find out a little more of some of the hardships which civil servants suffer. They know, a lot of these civil servants, that the people above them are young and they are not going to get promotion for

some time. These are problems which they have to face, yet they continue to serve the Government loyally.

Now, Mr. Speaker, I heard also in this debate which we have had, that there are various things going wrong in the country. Mr. Speaker, one can criticize any country. I know that a lot of hon. Members have visited other countries, but unfortunately these visits seemingly are to the developed countries which really want them to go to those countries so they can impress them either with their ideologies or with their development and so on. I would like to be able to have power to send some of these hon. Members to some other African countries. They could then come home, Mr. Speaker, and see what is happening here in Kenya in comparison to some of the other countries. We are fortunate. If you go through our institutions, at Egerton the other day I found there were 179 out of 600 students from 11 other African countries. We are ahead of these countries and we have something to be proud of. Do not let us always criticize, Mr. Speaker, but let us be proud of some of the things which our people have done in the short time that we have been independent.

Mr. Speaker, let us also realize that if it was not for His Excellency, our President, we would not have reached the stage we have reached today. Irrespective, Mr. Speaker, of what party we belong to, irrespective of what we want in the future, we will never be able to continue to develop as we have developed, unless we have stability, and it is on this one point which I would like to end, Mr. Speaker, and that is to call upon hon. Members now that we are coming up to an Election, to remember that it depends entirely on them whether we can continue to develop.

I am not interested in talking about money from one country or another country, our biggest supporters are the various United Nations organizations and other such international organizations. They keep a close eye on what is happening in Kenya. For instance, we ran into problems the minute it was found we had lorries with overweight on their axles going up and down our Mombasa road. This immediately affected me and my Ministry on a loan which we were negotiating with the World Bank. The whole of this type of thing in a Government is interlocked.

Mr. Speaker, I appreciate that agriculture in the future is going to be difficult, because we cannot any longer control the prices for our commodities because we are now in the world market. This is why we are now moving with all the money which people will see in the next

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Budget and in the Development Budget, into live-stock and diversification. Farmers, for the benefit of Kenya in this next decade have to be able to produce what they are producing now at a cheaper rate. I heard the hon. Member, Mr. Okutu Bala, talking about the settlement schemes. He is right. We know as a Government that there are problems. I know there are problems there because the agricultural aspect falls under me. I also know as he knows, Mr. Speaker, that there are some co-operatives in that area who are not pulling their weight. There are some co-operatives which are exceptional. He also knows about the Ahero Irrigation Scheme, Mr. Speaker, which was criticized in this House by certain people when we wanted to start it, people who said Luos would not be able to work the scheme properly. Today those critics have been answered. The people down there at Ahero have done an incredible job of work. They are the people whom I would like the hon. Members to talk about. These people who have astounded the experts in what they have done in the short while in that irrigation scheme. Let it be said in this House, they have done as well as the people at Mwea.

I keep hearing somebody saying something about prices. Mr. Speaker, you can only afford to pay for a product what you are going to receive for that product. You cannot afford to pay more. If this country wants to continue to develop it has to export, and it has to learn to be able to bring its production and its costs in line with world exports. Unless they can do that, Mr. Speaker, they are going to be left out of the race.

I beg to support.

The Minister of State, President's Office (Mr. Koinange): Thank you, Mr. Speaker.

I have only a very few points to make. First of all I would like to express my appreciation for the comments which you and the President made in bringing the people and the Members of this House more in tune with what is going on.

Now, Mr. Speaker, what I am going to say is what I have experienced since His Excellency the President assigned me to the office of provincial administration and also Foreign Affairs on his behalf. I have been able to scrutinize as far as possible, the civil servants whom I have been working with, and frankly, I trust them.

My second point is this, Mr. Speaker. Recently before His Excellency came here to give his speech, he had about a week with the provincial administration district commissioners at the

Kenya Institute of Administration at Kabete, where I had an opportunity to close the seminar and all members left there. The first appeal His Excellency made was that they must work together with the Members of Parliament, with the citizens in the area wherever they are. The Government and every department must work together. It is true, Mr. Speaker, Sir, that they have worked together. The result of their work, and which is also the result of the efforts of Members here, is that when it comes to the recent example of the Armed Forces Hospital, money has been collected in a real way, a friendly way by every person, Members included, as a symbol, not only of unity but to show, Mr. Speaker, that when each province decides to work together they do so. When many of the provincial commissioners were bringing the money to His Excellency they were bringing along Members of Parliament and Cabinet Ministers in some cases. I am very proud of this joint venture.

The name of Kenya starting in a small way, has grown because of the seriousness, Mr. Speaker, of our civil servants, be they the ambassadors whom we have sent according to their ability to various countries, to the United Nations, or New York or elsewhere. They have done wonderfully well and have helped to create the name of Kenya. When you come to commerce and industry, people are flocking to Kenya to invest here. Why? Because the combination of Members of Parliament and the Government, which is the civil servants—they themselves are Government—has created peace and stability in this country. The result, Mr. Speaker, of this stability, of co-operation between Members of Parliament, and civil servants wherever they work, has made Kenya the centre of tourism. People come here without fear. I am glad you warned my brothers here, Mr. Speaker, that if we have dirty clothes we must not wash them in this sacred place, our Parliament. What we do outside, if we make any mistake we should bring our mistakes together there but not to this microphone, which is used by the world press, to see what we are saying. The people then start to wonder why, if we feel Kenya is so stable, do we have these people attacking one another.

My appeal, Mr. Speaker, Sir, is this. If a person moves from province to province without malice, without prejudice, he will see that without exaggeration we have moved from 1963 to this year, and when I use the word move, I mean economically, educationally in every aspect, and that is why, Mr. Speaker, His Excellency the President said that he appreciates the prestige of the Members here. You are the Speaker, and you

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know what we used to be like in the beginning, a good many of us. How we used to use the Parliamentary regulations here. You have guided us and we have grown in stability. No sooner do we have a long holiday and come back and we are praised by His Excellency the President, and then two days later we start to throw rotten eggs between ourselves. What I am appealing for, Mr. Speaker, is that we refrain from throwing rotten eggs at one another. If there is a deliberate mistake I am not suggesting that we hide it. If there is any person who has done wrong, including myself, I should not be forgiven. I should be brought to justice if I am a criminal. A person should not come here and say something only to delay the debate, by our throwing rotten eggs unnecessarily against each other.

My last point is this. A Member of Parliament here—and this is repetition of what I have said before—and the district commissioner or the district officer, the provincial commissioner or the civil servants anywhere, are Members of this Government. They are totally inseparable. Nobody can say he is a Member of Parliament of this House alone and outside within the Government of Kenya. It cannot be done. There is not a civil servant who can say he is a civil servant only in the room where he is working and not outside. After all that very room belongs to the Government. Having said that we have a joint responsibility to steer the progress of the country we love, and the people we love, without malice, without bitterness and without prejudice.

As to the question of race and tribalism, Mr. Speaker, I am saying this. It is quite true that when the Missionaries started schools, they started in Mombasa, then they came to Machakos, then to Kitui, then Kabete, and it is absolutely true that members of the Central Province received education earlier, much earlier than the others. That is absolutely true. You may ask why? It is because of an individual seeking that education. Furthermore, the nature of the people of the Wakamba tribe, they like to be seen, and are proud to be smart with a gun, and the majority of them, Mr. Speaker, joined the army, and when His Excellency the President honoured Ndolo and others, people said this was tribalism. Mr. Speaker, if you turn to the police there you find all Luos. If we are here to say something other than about the efficiency and the ability of an individual, if we start talking about tribalism then we are committing national suicide.

The Minister for Labour (Mr. Mwendwa): Mr. Speaker, thank you very much indeed for giving me this opportunity to take part in this debate.

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

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

Mr. Deputy Speaker, I would first of all like to congratulate our President for the way he delivered his Presidential Speech to this House, and also to the Members of Parliament for the way they have made endeavours to bring out different points, and also to put across to the Government various views.

Mr. Deputy Speaker, speaking generally on my Ministry, there are a few Members of Parliament here who have expressed concern and also sentiments on my Ministry on the way in which we are executing our duty every day. Mr. Deputy Speaker, I said I share with these Members, I am with them in their concern and join in their sentiments when they talk about jobs. But, Mr. Deputy Speaker, let me say this to the House. We are lucky in that at no time in the history of Kenya have opportunities for jobs ever been better than they are now. This is because of the stability which Kenya has shown since we attained our independence. We have had mature leadership in the person of His Excellency the President, Mzee Jomo Kenyatta. It is because of his maturity that we have had this stability which, as a result, has created such opportunities for jobs.

Mr. Deputy Speaker, if I may only give some statistics for the period from January this year up to now of how my officers have worked in the Labour Exchange. No doubt the Members of Parliament will see for themselves that although we are not pretending that we have done everything possible, that the officers are trying their level best. I think, Mr. Deputy Speaker, they should be congratulated and encouraged so that more and more work will be done. From January, Mr. Deputy Speaker, to the 30th April this year, 11,375 school leavers, from Standard I to Standard VII, have been registered with the Labour Exchange. I am not talking about the school certificate people but about the C.P.E.s and also the illiterate people. Out of this number, Mr. Deputy Speaker, 1,231 of those who registered as work seekers have been placed, both in Government and in the private sector. This, Mr. Deputy Speaker, is a record, and we have to congratulate both the labour officers and also the job seekers who have taken the trouble to go and register themselves. For those who roam about seeking letters from Ministers, Assistant Ministers and the Members of Parliament, from managers, letters to recommend them to different offices, I have this to say: some have wasted a lot of time in doing this because this is not the way to get employment. The way to get employment easily is to get to the labour exchange and be registered

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as a job-seeker. Getting letters from the Minister—it does not matter whether it is from the Minister of Labour himself—does not help. If we allow this sort of thing to continue, then tribalism, nepotism and call it what you will, will develop. Therefore, it is my appeal, and I mean it, that all the people, from all parts of Kenya, regardless of the place, provided that they are seeking employment, should go to the Labour Exchange.

I am not an angel; I am full of faults like any other human being and if any hon. Member of Parliament here, sees a fault in the Labour Exchange, let him come to my office and tell me what is happening and I promise that I will take steps to correct it. Mr. Deputy Speaker, the day before yesterday, hon. Kamwithi Munyi charged the Government, very seriously, of allowing 5,000 people to work in Kenya without work permits but these are the people who belong to a cadre, a class whose registration has not been called up. A good example is the class of accountants. We have very many accountants working in Kenya without work permits because that class has not been called up.

I think the hon. Members heard me say to the hon. Kamwithi Munyi that I wanted him to come to my office to tell me or give me the list of the names he has. I am still waiting for him up to now.

Mr. Deputy Speaker, mine is really an appeal to the hon. Members of this Parliament that if they say anything here, let them take seriously whatever they say, but they should not just talk and leave the talk here because that does not do anybody any good. So I am still waiting for hon. Kamwithi to come.

The other hon. Member who charged the Government very seriously is the hon. Mr. Mbogoh, who said that he had a list of school leavers, some with Division I, some with Division II and others with Division III, that these fellows have been placed in jobs in a dishonest manner. Some of those holding Division III have been placed into jobs while those with Divisions I and II were ignored and not given jobs. I said that although I am not the person in charge of the Directorate of Personnel, I promised to do something if only he could bring me the list of these fellows; and I am still waiting for this list. Therefore, Mr. Deputy Speaker, this shows, and it is a good example, that some hon. Members just talk for the sake of talking. This is wrong, Mr. Deputy Speaker.

QUORUM

Mr. Karungaru: On a point of order, Mr. Deputy Speaker, Sir, is there a quorum in the House?

The Deputy Speaker (Dr. De Souza): No, we do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

Mr. Ngala-Abok: On a point of order, Mr. Deputy Speaker, Sir, will you rule that in future between 3.30 p.m. and 4.30 p.m., the question of quorum should not arise because the hon. Members are taking their tea?

An hon. Member: You will have to amend the Standing Orders.

The Deputy Speaker (Dr. De Souza): Mr. Ngala-Abok, do you think that is a point of order? Do you really think it is, or are you trying to be funny? Do not try to do it again, please.

The Deputy Speaker (Dr. De Souza): We have a quorum now. You may continue, Mr. Mwendwa.

(Resumption of debate)

The Minister for Labour (Mr. Mwendwa): Thank you very much, Mr. Deputy Speaker. On the side of the Kenyanization Bureau which a few hon. Members have attacked here, and in fact some went to the extent of saying that it should be abolished, I wish the hon. Members would listen and hear what the Department has achieved from January to April this year. I wish to say, Mr. Deputy Speaker, that in that office I have human beings and not angels. They are bound to make mistakes but I would like to be told, as the Minister in charge, the mistakes which have been made by my officers and I will endeavour to correct them.

Mr. Deputy Speaker, from January to April this year, 988 people, among whom 886 were school leavers who have gone up to Form IV, have registered themselves with the Labour Exchange as job-seekers. Mr. Deputy Speaker, out of these 900, 610 applicants have been put into training institutes. Out of these, 382 school leavers have been placed into jobs. One might consider this, Mr. Deputy Speaker, as a small number, but considering the fact that it is only four months I am talking about, it is not a small number at all.

It is our hope, Mr. Deputy Speaker, that by the end of this year, quite a number of these applicants will have been placed either in institutes or in jobs. However, Mr. Deputy Speaker, I want to register one thing. I want the hon. Members to listen very carefully. Mr. Deputy Speaker, the approach of the school leavers to life has been wrong. The time has come, Mr. Deputy Speaker, when this attitude must be changed. If it is the belief of the school leavers that they will all get white-collar jobs, they are making a great mistake because this has never been done in any country

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and it will never be so in Kenya. Mr. Deputy Speaker, I have nothing to apologize for, but let me say this: since we attained independence, Kenya has put education on a par with any other project. Many *Harambee* secondary schools have sprung up. I would like to tell the House that before we had independence, Kitui had only two high schools. Now we have 15 high schools which means that the school leavers up to Form IV are more than ever. Therefore, we have to swing with the times, Mr. Deputy Speaker, and I have to finish the sentence by telling the school leavers to change their approach to life. They have to go back and help their parents with whatever work they are doing in farms or shops because, at any rate, Mr. Speaker, they have had the education to do that.

Mr. Mwalwa: Mr. Deputy Speaker, Sir, I am seeking your guidance on this. Has the Minister the right to advise the students of what to do instead of advising the Minister for Education to change the policy of education?

The Deputy Speaker (Dr. De Souza): The Minister is asking us to advise the students.

Mr. Chirchir: Thank you very much Mr. Deputy Speaker, I hope I will be very brief. Mr. Deputy Speaker, I am joining hands with my colleagues who have spoken since last week, and also thanking His Excellency Mzee Jomo Kenyatta during the time he delivered his Speech here, I think everybody was very pleased.

Mr. Deputy Speaker, Sir, I have a few comments which I would like to make now. To begin with, I would like to say something concerning the economy of Kenya which His Excellency did not mention. Mr. Deputy Speaker, this is because we have several plans in the books which our people of Kenya refused to go on reading without action being taken. What the Kenya people want to see is action; to see the economy of Kenya in the hands of black men. No white man, not even those who are registered as citizens in Kenya. Mr. Deputy Speaker, I know, I say this because I am here in Kenya and I will die in Kenya. I have no money outside Kenya and I will be buried and turn into manure in Kenya. Maybe there are some gentlemen living in this Republic of Kenya who have accounts outside Kenya and if trouble broke out in this country today, they could arrange their get-away.

Mr. Deputy Speaker, Sir, I think this is a very important subject on which I should think, since 1963-69, as far as I have seen myself, I regret to say that the economy of this country is still in the hands of foreigners and is still being left in their hands. It is a shame to independent countries like this.

Mr. Deputy Speaker, I would also like to say something about the people of Kenya. The black people of Kenya are becoming poorer and poorer every year and I am not ashamed when I say this. The foreigners who registered themselves as citizens of Kenya, are becoming richer and richer. It is high time for this Government to enter into this problem Mr. Deputy Speaker, Sir, because unless this Government takes action, they will be inviting trouble. Mr. Deputy Speaker, it is a shame when one goes round the city of Nairobi, where I came to in 1942, before some gentlemen here were born, there were then no Africans sleeping about in the streets. Today when one goes out at night, we find Africans sleeping in the streets; why is this when we say we are independent? If somebody challenges me, I will take him round during the night and show him where some of his people sleep. They are rolling round and begging for food on the streets, while the foreigners have wonderful hotels like the Nairobi Inter Continental, and others where I cannot afford to go because I am not rich enough.

Mr. Deputy Speaker, Sir, this is a shame. It is very bad because we cannot deceive ourselves that we are doing a good thing for our people. Mr. Deputy Speaker, we are doing a very bad thing indeed. We are independent but what sort of independence is this unless all our people enjoy it? The people who are foreigners in this country are going up and up and I think it is high time we stopped these people somewhere and raised our people up. Mr. Deputy Speaker, if we do not raise our people up, we shall be inviting trouble in this Republic of Kenya. I am not ashamed of saying this and if anybody is to challenge me, I am prepared to challenge him back.

Mr. Deputy Speaker, Sir, I would like to say something about the Kenya land. We fought for the land in Kenya in order to acquire our land which the foreigners had taken from our parents. Now we are buying this land back for about a Sh. 1,000 and these foreigners bought it for ten cents. The other day I presented a book to Members of this National Assembly, which said that the foreigner bought their land at ten cents per acre.

Mr. Mwalwa: Will the hon. Member reduce his voice please?

Mr. Chirchir: Mr. Deputy Speaker, Sir, there is nothing wrong with my voice but I would like to tell my friend to speak to me later because I am bitter. Mr. Deputy Speaker, I want you to listen because when I speak slowly, I think you are not listening and so you had better listen when I speak louder.

[Mr. Chirchir]

Mr. Deputy Speaker, Sir, the Kenya land which was acquired from our parents—I do not know who paid ten cents for it—is why today we are suffering by paying a thousand shillings per acre for the land which has been exploited. No Minister and no one else attended to this. Several times, my hon. friend, since I become a Member of Parliament, I have spoken about it and everybody has ignored it. This is the trouble we are likely to get in Kenya in the near future and it will be because Africans in Kenya are tired of being exploited by foreigners. I hope in the near future the British Government will pay back the money they took from the Africans in Kenya. I am expecting them to pay it back because the people are tired of paying for the land which the foreigners acquired for nothing.

Mr. Deputy Speaker, Sir, today, there are only a few Africans who are valuers in Kenya. Whoever sells the land is a European and whoever values the land is also a European. There is a Swahili saying which says that "*Waswahili wana-juana kwa vilemba*".

Mr. Deputy Speaker, Sir, this is going on in Kenya. Is this fair? No, Mr. Deputy Speaker, this is not fair. This Government should look into that in future. When His Excellency the President comes here, he will tell us something about that land which we fought for. I was amongst those people who fought for the land in Kenya. I have not changed and I am going to fight until I die to see the people in Kenya enjoying the fruits of their own country and independence.

Mr. Deputy Speaker, Sir, I was listening carefully when the Minister for Agriculture was telling us about the prices of produce and so on. Since we achieved independence in 1963, prices have gone down year after year. This requires a commission of inquiry which should go into this. We are not blind and unable to see what is going on in Kenya today, because there are only two crops with prices still unchanged. These are tea, coffee, and peas and it is an absolute shame for we cannot rely on these. The country is purely an agricultural country, and we must not only rely on cattle, but also our produce. I know most of the foreigners who used to own farms up-country have moved down to Mombasa to own certain types of land, taking their cattle with them and staying next to sea so that they can swim in the ocean. We in our country are suffering a loss. Mr. Deputy Speaker, Sir, I warn this National Assembly and the people of Kenya to watch carefully because unless we watch our country Mr. Deputy Speaker, Sir, there will be trouble here

as for example, in other countries of Africa like Nigeria, Ghana, Mali, Sudan and in many others, where trouble has taken place because the indigenous people have never been satisfied whilst the foreigners are always ready at any time to come back and colonize the country and make large profits. This we must watch carefully. We are here to look after our country, and not to think about money; money means nothing. I think that my children may suffer. Therefore the Government of Kenya should look at the troubles that take place elsewhere. Unless we watch carefully, trouble will take place here. We are not at peace in Africa.

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

The Minister for Lands and Settlement (Mr. Angaine): Mr. Deputy Speaker, Sir, I want to join hands with my colleagues who have spoken in congratulating His Excellency the President, for his good speech to the nation.

Mr. Deputy Speaker, Sir, I want to speak about my own Ministry. I have heard Mr. Deputy Speaker, Sir, an hon. Member of this House saying that in the Muhoroni Scheme—that is one of my schemes—many people have been there for quite a long time planting sugar and yet they have never received a single cent. Some of them were given a cheque for 30 cents. Mr. Deputy Speaker, Sir, if I may differ on this, I think there is something wrong somewhere, with the plot-holders and although I am not going to mention the name of the gentleman I am referring to now, there is one plot-holder who has bought a petrol tanker, a good car, and I think even now he can buy an aeroplane out of sugar-cane. His plot, Mr. Deputy Speaker, is in Fort Ternan and I know the gentleman very well. Even yesterday he was with me, and he works very hard.

Mr. Deputy Speaker, Sir, you will be surprised to hear that about 43 people were selected by the district selection committee, and they have never come to take up their plots. They were selected since 1965. Mr. Deputy Speaker, Sir, it was last month when I gave my orders that the district selection committee must select another lot to come and take these plots. Mr. Deputy Speaker, Sir, I know many settlers in Muhoroni Settlement Scheme who have become rich people because they work hard, and live on their plots. Some of these plot-holders the hon. Member was referring to, are always away. Some of them do not stay on their plots. So how do you expect them to earn anything if they run away and come to stay in Nairobi, where they come to dance and drink? My dear friend, you cannot expect such people to make any money or to do any good out of the soil.

An hon. Member: Well spoken, Mr. Minister.

The Minister for Lands and Settlement (Mr. Angaine): Mr. Deputy Speaker, Sir, we have so far settled more than 46,000 families in various settlement schemes, all over a period of five to six years. Please do not interfere with me. Our hon. Members do not respect one another. I will give you an example, Mr. Deputy Speaker. One day, I happened to go to the Deputy Commissioner of Prisons' office, and a Member of Parliament—he is not here Mr. Deputy Speaker—came and insulted the Deputy Commissioner of Prisons in my presence. The Deputy Commissioner of Prisons got annoyed and took off his coat and was ready to fight the Member. I intervened, Mr. Deputy Speaker, but you see, without the civil servants, I tell you, we can never run this Government.

The civil servants are the Government machinery. We are going for a general election in 1970, and they are going to be left behind to run or to look after your Government. Why are you after them? Now, while I am here in Parliament, civil servants are attending to each and everything in my Ministry.

The Deputy Speaker (Dr. De Souza): Address the Chair.

The Minister for Lands and Settlement (Mr. Angaine): Thank you very much. My Permanent Secretary and all my staff are in the office looking after the affairs of this Government in the absence of their Minister.

Mr. Deputy Speaker, Sir, excuse me for using what I would call "funny language". I remember during the colonial times I went for a road licence, and I was told that I could not get it, but a certain gentleman who is here, in this Parliament—he is not a politician but a civil servant—told the licensing officer to issue me with a licence.

Mr. Kebaso On a point of order, Mr. Deputy Speaker. Will you advise the Minister for Lands and Settlement not to involve us in individual accusations? We are not concerned with that.

The Deputy Speaker (Dr. De Souza): He is perfectly in order. Mr. Angaine is speaking to the point. He is in order.

The Minister for Lands and Settlement (Mr. Angaine): I am sorry, Mr. Deputy Speaker, I am not going to listen to that old man. He is an old man, of the same age as I. One is bound to say anything when he is in this House. We are being abused here and, you know, Sir, we are old men. We are being abused in this House and we cannot do anything about it, but if it is outside, then something can happen. It is my privilege that I say anything I like, and it is my duty to

respect the hon. Members of Parliament, those who are in this House. I do respect Mr. Jaramogi, he was my schoolmate. We do not quarrel. There is another gentleman over there who was my schoolmate; I do respect him. I do respect everybody. So let me say whatever I have to say.

Mr. Deputy Speaker, what I want to tell our Members of Parliament, both Kanu and KPU is that I have no quarrel with the KPU Members of Parliament as such, if they can only bring here something to uplift our young country. That is what I want and not mere talking, talking this and that rubbish. I want them to be gentlemen who can bring something good for the Kenya nation. We are a very young country, we have a newly formed Government and if we are not careful, gentlemen, then we are going to spoil our good Government. It is a good Government, led by a good leader of this nation, His Excellency, Mzee Jomo Kenyatta.

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

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

Sir, I have known Mzee since 1920, before some of you were born. It is almost 49 years since I knew the old man. We have been together for a long time and we have had no quarrel, and that is why Mzee respects me very much. He does so because of my age and because we have known each other for quite a long time. That is the kind of behaviour we want. He likes me because I do behave like a gentleman. Mr. Speaker, I did not know that Mzee would make me Minister for Lands and Settlement. At the time that I was made a Minister, Mr. Jaramogi was there. You see, these are facts. He said, "What about poor Angaine who has defeated Kadu in Meru?" He said, "Oh, Mr. Angaine, come on. We have appointed you Minister for Lands and Settlement." I swear to Almighty God, Mr. Speaker, that I will never, never let Mzee Jomo Kenyatta, our President, down.

You know that my job is not an easy job. If this kind of job was given to a young man, or if this Ministry was in the charge of a young man, Sir, I just do not know what would happen in Kenya today. Sir, the Minister for Lands and Settlement is not corrupt and that is why you do not hear any complaints about this Minister.

Mr. Muliro: On a point of order, Mr. Speaker, does the Minister imply that other Ministers are corrupt and he is the only one who is not corrupt?

The Speaker (Mr. Slade): No, I do not think so. That was the end of your time, Mr. Angaine. Mr. Sijeyo.

Hon. Members: Maiden speech?

The Member for Gem (Mr. Sijeyo): Mr. Speaker, Sir, I am very pleased to have this opportunity to air my views in this House. First of all I would like to congratulate the people of Gem who elected me to come to this House. These people showed that this Government is not trying to uplift or help the people of Gem. For example, Mr. Speaker, some of the Ministers who were sent to fight me failed to express or to show the people of Gem what developments they had planned for Gem, show anything else that they had done for Gem and the people. Sir, one of the Ministers said in a public meeting—where there was only an audience of 20—that the Government had never planned for Gem or the people of that location with regard to development. This shows quite clearly that if we have achieved anything, that was not done for the people of Gem by the Government. He continued and said that if the Gem people voted the Kanu candidate in, and they thus had a new Member, then the plans for the development of Gem Location would be started. Mr. Speaker, this is an appalling statement by a Minister of this Government. It is bad that a Minister should stand in public and say that only if the people of Gem vote a Kanu Member to be returned to Parliament, that their location would be considered. What about our late Minister?

Mr. Obok: Was he not Kanu?

The Member for Gem (Mr. Sijeyo): Was he not from Gem? Was he not a Minister of this Government? Was he not Kanu? At the same time—

Mr. Obok: He was a rubber stamp.

The Member for Gem (Mr. Sijeyo): It seems as if this Government used my brother, the late Minister from Gem, as a rubber stamp. Was not Gem Location Kanu?

I am sure that some of the Ministers here will agree with me—

The Minister for Housing (Mr. Ngei): On a point of order, Mr. Speaker, is the hon. Member right in saying that we used the late Minister, the hon. Argwings-Kodhek, as a rubber stamp? Can you give us facts as substantiation?

The Member for Gem (Mr. Sijeyo): That is not a point of order.

The Speaker (Mr. Slade): It is a point of order, but one must distinguish between an allegation and an opinion as to how things were going. This is clearly a statement of political opinion rather than a fact that can be proved.

The Member for Gem (Mr. Sijeyo): Mr. Speaker, I wonder whether the Minister thinks

this is a classroom and that I am here to teach him.

This is a true fact, that one of the Ministers, Mr. Sagini, a Christian, whom I respected for a long time now, said in public that the people of Gem have remained behind all this time and that now the Government would try and help them, plan some development for them if they voted a Kanu Member in.

The second point, Mr. Speaker, is that we have been hearing of corruption that is taking place in the country. This should be taken seriously by the Members of the Cabinet. They should do this instead of trying to dodge about and beat about the bush. This is their duty: to stop corruption. When the time comes and the corruption shown up to the public, then what will happen? What if it is Ministers who are in the Cabinet? I am sure that some Ministers are not happy with the present state of corruption. The Attorney-General has condemned corruption in this country.

Mr. Obok: Not seriously.

The Member for Gem (Mr. Sijeyo): At the same time he did admit that there is corruption. If someone says that there is no corruption in Kenya, then it is just like saying that there is no sand in the Sahara Desert. We would like such evil things as corruption to be stopped forthwith.

Mr. Speaker, we in the Opposition are working for the betterment of our country, we are not working for an individual, not for individual groups, or for certain factions. Some people have been saying for some time that KPU is going to die. Some Ministers have said that KPU was for Bondo and for Nyamira. What about today?

Some hon. Members are afraid to resign from this House because they are earning something here and they have no other sources from which they can earn this money. That is why they are staying here.

According to the speeches they made, Sir, it seems as if many Members are frustrated with the way in which the Kanu Government is handling the affairs of this country.

The Minister for Lands and Settlement has spoken well. Under the Minister's management, land consolidation which was mentioned in the Presidential Speech— In this connexion I would like to say that the land in Gem Location was consolidated long, long ago; yet, today, the people have no title-deeds. The people have nothing with which they can apply for loans. This is because of the failure of the Ministry of Lands and Settlement.

Mr. Speaker, we want to see the Ministers busy, checking all over the country. When we speak of development, it is only in the Central Province

[Mr. Sijeyo]

and part of Rift Valley, not the whole of Rift Valley. It seems as if in this country there is a new group of colonialists in certain parts. If you go to the former Central Nyanza, Siaya and Kisumu Districts, you find that some people were kept there because of brotherization.

The way that these people are collecting taxes, graduated personal tax, is appalling. Some of these askaris who are sent to collect the graduated personal tax go to the houses of the people and try to assess even domestic property. They assess your blankets, beds, and even stools. Is that the way to collect graduated personal tax in Gem Location? I would like to know this. When the Minister comes to reply, I would like him to reply to this particular issue and clarify whether Gem is another colony in this country.

Mr. Speaker—

Mr. Gikunju: On a point of order, Mr. Speaker, I would like to know whether the Member is correct in saying that the development done by the Government is only in the Central Province and the Rift Valley when we know that there is a very big scheme in Ahero? I would like him to say whether Ahero is in the Rift Valley or Central Province, or where.

The Member for Gem (Mr. Sijeyo): Mr. Speaker, he was a Senator, but I think he wants to interrupt for nothing.

The Speaker (Mr. Slade): I think he is, in fact, correcting you on your facts, that there has been some development beyond the areas you mentioned.

The Member for Gem (Mr. Sijeyo): Yes, Sir, everybody knows that.

Mr. Shikuku: On a point of order, Mr. Speaker, will you also inform the new Member, Sir, that when you are giving your ruling he should sit down, not remain standing.

The Member for Gem (Mr. Sijeyo): Mr. Speaker, I know that Mr. Shikuku is someone who can bring a Motion and then vote against it, and so I do not bother about him.

The Speaker (Mr. Slade): He was, in fact, correct.

The Member for Gem (Mr. Sijeyo): Mr. Speaker, to end my speech, although the time is short, I am calling upon the Government to see that development is started in Gem and also Nyanza as a whole, instead of leaving it behind as some parts of Rift Valley have already been left behind.

Therefore, Mr. Speaker, I beg to oppose.

The Minister for Health (Mr. Otiende): Mr. Speaker, Sir, I had not intended to stand but the hon. Member needs clarification on a few points; maybe he has been out of the House for some time.

Mr. Speaker, it is a fact that neither a Kanu member nor a KPU member can deny that this Government has, in fact, got a very detailed development plan since 1965, and this plan is being carried out. It is no use trying to deceive the public that this Government is composed of a group of Ministers who do not know what they are doing, and a group of Members who do not know what they are doing; we know exactly where we are going and where we are coming from, and if, by enthusiasm we have gone beyond 1970 and planned up to 1974, we should be congratulated for looking ahead and not to be told that we should not plan because the KPU will be in power. If KPU is in power, they will follow our plans. Even the hon. Member himself has said that the KPU has the welfare of the people at heart.

An hon. Member: Who told you that?

The Minister for Health (Mr. Otiende): Well, unless—

The Member for Gem (Mr. Sijeyo): On a point of order, Mr. Speaker, may I seek your guidance as to whether the Minister is right to say that the KPU, when it is the Government, will follow the Kanu policy which has failed completely and that is why the people rejected them?

The Speaker (Mr. Slade): Order! Order. He is allowed to express that hope.

The Minister for Health (Mr. Otiende): Mr. Speaker, that is why I am saying that the erstwhile Member for Gem may not have been informed of what the Government has done in Gem. I personally, as Minister for Health, cannot be accused for not touring the country; I have been round every part of Gem to see what the Government can do for them. In spite of what we have done for Gem—and my Ministry can boast—this is so: we have done very good work for Gem, we have set up health centres and everything. There was only one health centre we promised to assist and that was Rara; and when we were voting money for this place—in South Gem—we heard that the hon. Member was saying in Gem that we were not helping. Therefore, I said quite rightly that if the people of Gem Vote Kanu they will get this money, but if they vote KPU we shall think again. That I did say and the hon. Member, although he was returned by KPU, is quite at liberty now if he can talk to me properly, to get that money. The money will still go to the people of Gem and not to the KPU.

[The Minister for Health]

Now, Sir, I feel here that we should distinguish between ourselves, as individuals, and the welfare of the country. Whether I am here or not the welfare of our people is what is paramount. Therefore, to say that this Government is doing nothing is to say what one knows in ones conscience is not true. Maybe there are places where we have not done what we should do, but maybe we are short of money. I do not think, even if we change the Government, that you will be able to find a magic wand which the Minister for Finance will wave and money will drop from heaven. Never. Money will come from our own labour, as the Minister for Agriculture said, from our own exports and from our own hard work, and that money will always be short because we are a new developing country and we desire everything.

An hon. Member: What about free education?

The Minister for Health (Mr. Otiende): Mr. Speaker, I hear that we are challenged that we have not provided free education. I hope that when the KPU comes into power they will provide free education immediately.

Sir, the question of money is very difficult whoever is in power. We used to hear much in Britain when the Labour Party was out of power that they would do this or they would do that; I read nowadays that they are in great difficulties even to do what they promised to do.

Now, Mr. Speaker, every year we are doing something new. We have provided a little health service, according to our abilities. In the future, I know that Dr. Kiano is thinking of increasing Government contributions or the reduction of fees. That is all we can do. Over a period of time we shall attain that position of having free primary education. This is the aim of this Government and it has never stopped being the aim of this Government.

Mr. Speaker, Sir, I would like to say a word about what every Member has spoken about, about the idea of corruption. It is possible to give a dog a bad name by harping on corruption, corruption, corruption. The people begin to think that the country is corrupt even when it is not corrupt. Now, corruption begins in the mind; it is psychological. Once you accept to be corrupted, whether you have received the money or taken the goods, you are already corrupt. I would like, Mr. Speaker, to ask this hon. House to spend the next few months clearing our minds instead of belittling ourselves and our country. We should not broadcast in the newspapers and the radio that one or two people are corrupt;

maybe there are some people who are corrupt, like thieves and robbers. We should not besmirch our own country with dirt.

I was reading a Tanzanian paper and I was very sorry at the way it was reported what was said in this hon. House. That report was very biased and was not what was said here and it was exaggerated and was meant to help a certain group of people here.

Mr. Speaker, Sir, I feel definitely that we have come all this way by our own sweat; nobody gave us, on a silver platter, the Government we have today because we fought for it. This Government we must keep. If there is anybody in this country who is trying to ruin this Government, this country and the people of Kenya, he should be uprooted from our society.

Mr. Speaker, if our machinery of justice is not good enough to deal with the evil-doers, then it should be overhauled so that we get rid of the evil-doers. This is why we are here as legislators, to legislate in our country. It is not a good thing, and I would not like to continue to hear it, that Members of this House who have been elected by the public besmirch others and throw mud at others when other people whom they are besmirching are in exactly the same position as themselves.

It is true that I want the votes of Vihiga the next time; it is true that every one of you would like to come back to this House, but to come back to the House you do not need to spoil the names of other people. You can come by your own shoe-laces and you can come here by your own performance during the time you have been a Member. Therefore, I would like to ask hon. Members to approach this subject carefully. I know there is election fever on already; I do not know what it will be like in nine months hence. We should not, however, lose our sense of proportion by trying to start elections in this House. The elections will not be in the precincts of this House; elections will be held outside this House by the general public. This should make us humble here when we speak; we should speak humbly as the people's representatives and not as their bosses. This idea of "boss-ship", Mr. Speaker, is getting on our nerves; people trying to be bosses of certain political machines. There is no boss here. We are all servants of the Republic of Kenya. Mr. Speaker, Sir, it is to our credit here that we allow a two-party system. We should be congratulated rather than blamed. Our neighbours may not be so good with the opposition. We do not intimidate but we speak of the facts. I believe in opposition so long as it is constructive. Our own Members here have been

[The Minister for Health]

more than critical of their own Government, which is the right of man. I feel here, Mr. Speaker, that things should be made very clear.

While we are here as representatives until our time is over, we are due all respect, and all the privileges which were granted to us. I would not like, Mr. Speaker, that this House should go on to the debates on the Estimates in the same spirit as we started with. This spirit is wrong and I am not afraid to say so. I think I am not like my friend, hon. Mr. Angaine, because I am not over 60 years of age yet, but considering my long service I think I am getting quite old. My little advice may not be out of place to the younger community who are very active in this House, and I like the spirit of these young men. It is very good and they are very strong, but we want to use the strength of the young men to complement the strength of the old men so that our country is not divided.

I have noted with regret a gap developing, on the one hand between the ruling party and the Opposition, but what has been more alarming during the last few days, is the gap developing between the Parliamentary Group and the so-called government. There is a new definition of government, which seems to say—I know my friends behind are very happy about this but it will not work their way. We have noticed this and we have now strengthened the organization. There is no such thing as a government within a government. The Government of Kanu consists of His Excellency the President, all his Ministers and Assistant Ministers. All the Members of Parliament belonging to Kanu and all his civil servants, and we have closed our ranks and I do not think KPU will succeed.

Thank you very much, Mr. Speaker.

The Minister for Power and Communications (Mr. Nyamweya): Mr. Speaker, Sir, I would like to continue with the trend which has been very ably illustrated by my colleague the Minister for Health.

Mr. Speaker, Sir, when the foundation stone of this House was being laid, I am told that somewhere there is a scroll bearing the names of 170 gentlemen who were the representatives of the people of the Republic of Kenya when the foundation stone of this House was laid. Now, Sir, history should not, later on, say that we are the people who failed to chart the course for this country. Now, Sir, how can we fail our people? Sir, for the last six days we have heard speeches by hon. Members highlighting things like nepotism, tribalism and corruption.

Mr. Speaker, Sir, first of all let me take the question of tribalism. Mr. Speaker, tribalism is a disease of the mind for those who are prepared to suffer that disease. Mr. Speaker, Sir, as the representatives of the people here, we should refuse to be the victims of that disease. We should not be the representatives of the people who preach the gospel of hate. If today, Sir, we stand here and make a wholesale condemnation of one tribe, we should first of all examine ourselves. I belong to a tribe, one of the 48 tribes in Kenya, and I am proud to belong to that tribe, but, Sir, if that tribe is to contribute its fair share in this country, it must contribute the best in that tribe. I must give an effective contribution in every sphere of the life of this nation.

In agriculture my tribe is making an effective contribution. It is so in every walk of life. But, Sir, we should not be jealous of what X is doing or what Y is benefiting because of his own sweat. I was listening the other day when the hon. Member for West Pokot was attacking a section of my department, which is the Transport Licensing Board. I was somewhat bemused because he said that in that area the Transport Licensing Board is giving all the licences to one tribe, and as it is now, the song, "the Kikuyu".

Sir, this is in West Pokot in Rift Valley—

Mr. Lorimo: On a point of order, Mr. Speaker, would the Minister tell me if I actually said that the Transport Licensing Board was giving licences to one tribe, and not to the West Pokot, and could he show me the HANSARD?

The Speaker (Mr. Slade): I am afraid I was not paying attention at the moment, but can you follow it, Mr. Nyamweya, and satisfy the hon. Member?

The Minister for Power and Communications (Mr. Nyamweya): What the newspapers reported—I will have to look up in HANSARD—is that the hon. Member said the Transport Licensing Board was licencing African transporters in that area, West Pokot, from one tribe, and this is what I am trying to correct, the impression created by the speech of that hon. Member, and my correction is this, Sir.

If I find, after reading through HANSARD, that this is not the case, then naturally I will correct what I am saying at the moment.

Mr. Lorimo: On a point of order—

The Speaker (Mr. Slade): No more of that, Mr. Lorimo. I think the hon. Member is going to satisfy you if he finds he was wrong.

The Minister for Power and Communications (Mr. Nyamweya): Mr. Speaker, Sir, the policy of my Ministry in relation to the transport industry,

[The Minister for Power and Communications] is to Kenyanize the industry, but with great emphasis on Africans. It is right that that emphasis should be there; but when we are trying to Kenyanize the industry, we, of course, have to bear in mind that there are a number of non-African citizens who have been in this industry for a long time. The Ministry and the Government, of course, owes these citizens the right to protect their business in this sphere. For this purpose, Sir, the Transport Licensing Board has very clear instructions from my Ministry that in every case if the Africans come forward, and preferably the Africans of that province, they should be given favourable consideration. I do not think it was fair that that criticism was brought to this House. If the hon. Member, for some reason, knows of people who have been aggrieved by the Transport Licensing Board, then he could bring this matter to my attention and, naturally, we would endeavour to correct the situation.

I think the best way to approach the whole issue is to be more responsible for our duties and know we have a duty to help one another. As Members of Parliament we have a duty to advise and help our Ministers. I am quite sure that I for one, and my colleagues, are prepared to listen to constructive suggestions and criticism from the hon. Members.

Mr. Speaker, Sir, we can achieve quite a lot if we are united. There is no reason why we should keep ourselves divided. As the hon. Minister for Health has indicated in his excellent speech this afternoon, perhaps it is the election fever which is catching up with the Members. Let us remember that we have had six years sitting here, making our deliberations and also working among our people.

What have we done for the last six years we have been here? I do not think that the electorate is so naive that it will decide to elect us today on what is transpiring for the next three or four weeks for which we are staying in Parliament. From now on it may be nine months.

Sir, all over the country there has been considerable development. In the field of education there has been tremendous progress. In the field of agriculture, too, there has been progress as well, as in the field of health. I think our people know what we have done and what we had promised them; and although it is true that we have not delivered all what we had promised our people in 1963, it is true to say that we have done all that could be done by any government in our present circumstances.

An hon. Member: We want an additional post office in Nakuru.

The Minister for Power and Communications (Mr. Nyamweya): Mr. Speaker, Sir, the hon. Member is asking for an additional post office in Nakuru. It is true, I know, Mr. Speaker, Sir, that Members are anxious now to press for the demands of their respective areas because of the election fever.

Mr. Mwithaga: On a point of order, Mr. Speaker, is the Minister really in order to misconstrue the intention of Members, whereas he knows that I put a Question earlier officially, about this additional post office? He is saying that we are doing that because of elections. But my interpolation was about the post office itself.

An hon. Member: Is he speaking because of the election himself?

The Speaker (Mr. Slade): It sounds a little petty, I think we had better get on with the debate.

The Minister for Power and Communications (Mr. Nyamweya): Mr. Speaker, Sir, I think there is nothing wrong for a Member asking for additional services in his area. This can be done—

An hon. Member: Are you now campaigning?

The Minister for Power and Communications (Mr. Nyamweya): Mr. Speaker, Sir, I am not campaigning. I have already campaigned sufficiently in my area and I feel my record is good—I can stand on my record.

Mr. Speaker, Sir, I would like to appeal to hon. Members that they let us approach our duties here with seriousness, greater responsibility and humility. We have a great responsibility to our people and we must discharge this responsibility.

Thank you Mr. Speaker.

The Speaker (Mr. Slade): It is very close to the time when I said that Mr. Mbogoh might move the adjournment of the House, and it will be hardly fair to ask another Member to speak for only two minutes; so I think Mr. Mbogoh is ready to move the adjournment now.

MOTION FOR THE ADJOURNMENT UNDER STANDING ORDER 20

GOVERNMENT SPOKESMAN'S PRESS STATEMENT—
AN ABUSE OF PRIVILEGE

Mr. Mbogoh: Mr. Speaker, Sir, I beg to move that the House do now adjourn.

Mr. Speaker, Sir, the substance in the Government Spokesman's statement, which appeared in the papers and also in the Voice of Kenya commentary, was directed at the Members of this House.

The Speaker (Mr. Slade): Did you move that the House do now adjourn?

Mr. Mbogoh: Mr. Speaker, Sir, I moved that the House do now adjourn, to allow me to raise that subject.

The Speaker (Mr. Slade): I am sorry, I missed you.

Mr. Mbogoh: Mr. Speaker, Sir, it is the wish of all the Members that when such a statement like that is made, it is made by the Government with some facts which might be unchallengeable by anybody.

Mr. Speaker, that statement to start with, argued that hon. Members' criticism of corruption was irresponsible and unjustified. It was said that Members made these statements under the privileged conditions of this House.

Mr. Speaker, that was one of the things that made me feel that this should be raised because if it is a question of Members making privileged statements in this House, it is under our Constitution that this House is privileged to make statements. Mr. Speaker, this is a constitutional right; and if it is a constitutional right, then I do not see anybody who can challenge that as long as we are in this House. Mr. Speaker, on that board *there* it is written that we will work for the welfare of society and the just government of men. If, Sir, we have to work for the welfare of society and the just government of men, then shall we work under fear? Shall we work hypocritically where we cannot say anything here fearing that we will be criticized outside this House? Mr. Speaker, that was a most irresponsible statement that any Government can make against its own people.

Sir, our Government is our own Government and we want to know today who is this Government spokesman because the position, as we know it, is this. This is the Government with the President, the Ministers, the Assistant Ministers—and this Parliament is the supreme authority of this country. Therefore, it is the Government of the country and we want to know who was this Government spokesman who was speaking on behalf of all these hon. Members. If the name of that Government spokesman is known today, this House would recommend that he is sacked immediately. This is because he misrepresented the Government in the opinion of the people and he has been creating a rift between the Members of this House and the public outside.

Mr. Speaker, we have the right to criticize our own Government, and if there is nothing to hide, then why can the Government not take

steps to do what the Members of this House want. If the Government cannot do anything that the Members want, then it is no use answering anything that has been said in this House and outside the House. If we are privileged to talk in this House, Sir, and this Government spokesman says that the House was attacking civil servants who did not have a place to answer, then I would say that we have 50 Ministers who answer for these civil servants every day. Every time we ask a question here a Minister gets a written reply—drafted for him—from a civil servant. This is what he comes and reads here. Sometimes what they say here are half-truths. Do we question the truth of such statements? Why can the Ministers not stand up here and defend the civil servants in case there is any trouble within the Government or between the Government and the Back-benchers? This is a first-grade failure on the part of our Government to defend their own cause. They take something from this legally-constituted House into the field, for the papers and everybody else to fight over.

From that statement, Mr. Speaker, and even today I have heard about three Ministers repeating the same thing. They said this was an electioneering statement, it was cheap propaganda in crude form. Mr. Speaker, that is an abuse of this—

The Speaker (Mr. Slade): Order! I think that we are liable to get irrelevant to the particular matter you are allowed to move the adjournment on, Mr. Mbogoh.

Mr. Mbogoh: But, Mr. Speaker, I am reading the statement which was written in that manner. In the statement there was that part which says, this was electioneering and it was cheap propaganda in crude form.

The Speaker (Mr. Slade): Yes, Mr. Mbogoh, but I do not want you or any other hon. Member to discuss any more than we can possibly help the merits of the statement. The complaint on which I allowed you to raise this matter on the adjournment under Standing Order 20 was the actual procedure of Government using the Press to answer a debate, not actually the way it answered.

Mr. Mbogoh: I agree, Mr. Speaker. I will leave that for the time being and come to the other part of it.

Mr. Speaker, in the statement there was also a statement which was criticizing the Press for writing this statement and publicizing it in the papers. When I looked at this statement I feared. My fear was that if our Government is going to criticize the papers or to castigate the papers because they are reporting the truth from this

[Mr. Mbogoh]

House, then the next step will be to censor them. That is my fear. If, in our Government, we are not going to be allowed to have free expression, especially in relation to things said in this House by hon. Members who have been elected by their own people, to come and represent them in this House, and who owe their existence to the welfare of society and the good government of men, and who are here for the Republic of Kenya, then we are heading towards a very dangerous position.

Therefore, Mr. Speaker, I feel that this statement, if it was, should have been made here. If it was made here, then this House should have listened to it and the papers should have given prominence to the Minister's speech—the Minister would have answered this—instead of going out to fight. I can see this as confrontation between the Government and its own Back-benchers. If it is a confrontation between the Government and its own Back-benchers, then I fail to see where Parliament is and where Government is.

Mr. Speaker, the Ministers of our Government have been Back-benchers before and some of them were elected, others were not elected by anybody, they were just nominated. If it was a question of the elected Members against the nominated Members, then that is a different matter and it would be very unlucky to have these people continuing in a House like this, or in a Government like this.

Mr. Speaker, I do not want to labour much on this point. I want a clear statement from our Government telling us who is the Government spokesman, which Government does he represent, and who are we in this House to be fought by this Government spokesman. We want that the Press of this country will be assured that they will not be in trouble for reporting the truth from this House which is the supreme authority of this country.

Mr. Speaker, Sir, I feel that after this point I do not want to labour much on this issue. I know it is possible the Government responder might want to speak early on the debate and, therefore, I ask you, Sir, please to allow a few Members to speak for five minutes each, and then we will see what the support of the House is on this issue.

The Speaker (Mr. Slade): Who is seconding you, Mr. Mbogoh?

Mr. Shikuku: I am, Sir.

I agree entirely with the hon. Mover, Sir, that we should try and share the debate by allowing five minutes to each Member.

Mr. Speaker, we have no quarrel with the Government. That is the first point. We are the supporters of the Government, we remain behind the Government. But on the question of this spokesman, we want to know who this spokesman is. This spokesman—we know we have the Leader of Government Business here, we have his deputy there and the Members here. Now, who is the spokesman? The Chief Whip is here.

Mr. Speaker, we would like to know who this spokesman is because I have the suspicion that if he is a Member of this House, an elected representative of this House who was brought here to represent the feelings of the people, and if he issued that statement, I am sure that if his name is announced he will never live to see the four walls of this House. Why? We are the privileged and it is our right to speak our minds here; and if we do not speak our minds here, where else can we speak? Underground? If it is underground, one day it will explode. The interests of this country are laid in this House and we should be responsible to speak responsibly here in the interests of the nation and not for the destruction of the nation.

If we come here and speak and are reported, and then we are denounced by somebody called a spokesman, then where are we going to speak? The principle Mr. Speaker, is that this statement is undermining the authority of this House and that is the most important point. I swear, Mr. Speaker, we cannot sit back and look at the authority being undermined, and just go on sitting saying "Hallelujah" we are not going to do that and we demand any Government responder who is going to reply to this to be honest with us and tell us the name, and from where he got that authority.

If the Government responder is just going to toss about and not speak here, we shall know it is him who issued this and we will denounce him.

We cannot, under any circumstances, underrate the intelligence of the people—and the integrity—in this House and, therefore, it is only fair that we make the position very clear. The Back-benchers of Kanu are behind Kanu and the Kanu Government, but we want to know why this statement was not made here so that we could cross-examine the Government. Usually, when a statement is made, we ask questions to find out facts about it. We cannot ask the Press.

I agree with you, Mr. Speaker, that we cannot debate the material in the statement because we will be lowering ourselves to talk about a certain idiot called the "Government spokesman". We will be lowering ourselves. We do not have to

[Mr. Shikuku]

come and discuss that. Our aim is to find the truth and demand that the integrity of this House shall never again be undermined. With these few words, Mr. Speaker, I want to give other Members a chance because it would be fair to give other people two, three or four minutes so that we find out who this spokesman is.

(Question proposed)

Mr. Muliro: Mr. Speaker, Sir, the statement by the Government attacks two principles, two cardinal principles. The first one is the freedom of the Press to report authentically the deliberations of this House, which is privileged. That, Sir, is why I am disappointed with the so-called Government spokesman. It was an attack on the Press; and if the freedom of the Press is subjected to the whims of Government, the very essence of democracy is in danger. That group of Ministers, or whatever is the combination of Government, challenges the Press and I am asking them kindly that they should desist from that practice.

The second principle, Sir, is the immunity of Parliamentary proceedings and the integrity of this House. Sir, our deliberations here are privileged; they are immune and, in fact, if one says in this House something that would be libellous outside, one cannot be prosecuted in court. Today, Sir, our own Government—the Government that we support and the Government that we are going out to fight for to bring into power again—challenges the integrity of the Members of this House.

Mr. Speaker, here we do not know what Parliamentary immunity means. Here, Sir, is where I say this is a second point where the Government has challenged the integrity of Parliament and the immunity of this House.

Sir, it is very clear, according to our Standing Orders in this House, that no debate should be taken out of this House to be carried out in the papers and read. Here today the debate which was in this House was carried out by the Government spokesman to the Press. If hon. Members of this House tried to continue a debate outside, we would bring them to order because we do not want speakers out. However, here a Government spokesman has campaigned on the Voice of Kenya. Why do the Ministers—or that person—not come and stand in this House and tell us that we are idiots, that we do not know what we are doing in this place and that we are not representing our people.

Hon. Members: Shame, shame.

Mr. Muliro: Mr. Speaker, Sir, the Government thinks it necessary to use the media which hon. Members of this House never use. No Back-

bencher in this House can ever be given that publicity on television, can never be given that publicity on the Voice of Kenya, to the degree of humiliation to which this House was subjected to in the Press and on the Voice of Kenya.

Mr. Speaker, history repeats itself; our Government is failing to learn from contemporary African history.

Mr. Speaker, whatever the composition of the Cabinet is, any Member from the Back-bench is qualified to be a Cabinet Minister. We do not want the Government Ministers to abuse their privilege of having been nominated and appointed by the President to be the Cabinet to say that the Members of Parliament are talking rubbish.

Sir, we are very disappointed that we are not going to debate the pros and cons of the Government's statement. However, we want to know who this monster is.

Mr. Odinga: Mr. Speaker, Sir, I would like also to join the hon. Members who are so anxious and worried about this Government spokesman. However, I will not beat about the bush because we know who the Government spokesman is and we must blame him. In an established Government we must know that the head of that Government is the spokesman for that Government, or anybody whom he authorizes to speak on his behalf. This is the man who should actually speak; otherwise if that man has spoken without authority from Government, then he should be sacked completely.

Mr. Speaker, Sir, Members are now asking questions of the people who have supported this Motion. I am supporting them and now they are asking questions again. This means that we must know what we are speaking about and never go on fumbling about. We know exactly what we are pursuing. We want the Government to know exactly what this House is and what this House represents. The Government is well represented in this House. Certainly if somebody argues that the civil servants are not here to answer for themselves, I would say that the civil servants are represented by the Ministers in their own Ministries and also by the Assistant Ministers who are also here to defend them. If there is anything which is said, this is the truth. Therefore, if somebody jumps and accuses *wananchi* from my own area, he should know that I am their spokesman here and I must act and defend them—and defend them effectively.

Mr. Speaker, Sir, I would like to say that I think the Ministers just absented themselves from the House because they knew that there was this very important charge in the Press, and they were

[Mr. Odinga]

startled and embarrassed. He then ran about and the head of the Government wanted him to reply and so he defended himself from outside this House. This is most unfair. It must be very unfair indeed. We must be able to defend ourselves. Even if he was not in this House, and then he found that something had gone to the Press with which he does not agree, it is still not too late because he can prepare his statement and come here and read it to the House. This is the right place. If we start to use the Voice of Kenya, which is now renamed the voice of the clique of certain people in this country, and make it a place where people can go and defend themselves, and also to make such irresponsible charges on hon. Members of this House, then that is all right. However, at the moment we cannot reply there because we are not given the chance to reply there; so, what can we do and what can we say? There have been so many irresponsible things said on the Voice of Kenya but we have not had our chance to reply there. Why should we make that the medium of discussion? It is better here where we can get them and exchange the views. When we exchange the views, then what is the idea of going to the poor pressmen who might have got what we people said here?

I think particularly about this statement which has been spoken about, that probably for the first or second time the *East African Standard* was quite fair to this House; they reported this House very fairly. The other Press, however, did not suppress the news at first; but later, after the Government spokesman had spoken, they came out in a flash in the Press. Why did we not also complain to them when they were also being defended; the Government was now being defended very unfairly by another Press. Therefore, I think this Government spokesman should be blamed and I join in blaming the Government spokesman who is known, who is the Head of the Government, that he must restrain his Ministries and not discuss our affairs in the Press.

Mr. Khaoya: Mr. Speaker, Sir, a few days ago we had a very lively debate here and then we noticed in the evening we had the Voice of Kenya and on the morning of the following day we had a statement in the Press purported to have come from a Government spokesman.

Mr. Speaker, here immediately some issues come out which we, as a National House, have to deliberate on and make a decision once and for all so that in future we do not have to make these silly mistakes.

I wish, Mr. Speaker, just to run briefly through what the functions of this House are in connexion with and in relation to the Government. Here we

are elected—even the President of the Republic is elected to this House. We know that he is the Member for Gatundu, and therefore he is a Member of this House. Out of our number here, a Government is formed by the President appointing a Cabinet. Therefore, when we hear of the Government and Parliament, surely it is the same thing because the Cabinet is only part of this House. It is so arranged that every Ministry is represented by a Minister, and so anybody who argues that some civil servants have nobody to defend them is just not understanding the situation at all. We know every Ministry is represented by a Minister here. Parliament, from what I know, is a talking House and it is necessarily privileged because if it were not some of the things that go on in the country would have been very difficult to correct. We know of the laws of libel and so on, and it is very difficult. However, because this House is necessarily privileged, when we come here we can discuss any issue under the sun and subject the Government to any criticism. If they have anything to defend, they have the chance because they are also Members of this House. When I heard of this spokesman speaking, I thought that maybe the Government had no confidence in this House. If they did not, it would have been too bad because if we, also, turned against them and said we have no confidence in them, then we would have no Government.

Mr. Speaker, I wish to state once more that we support the Government. A mistake has been made and all that we want is for Government to come here today and admit very clearly that it made a mistake, and apologize to this House; and also assure us that they are going to deal with whoever made that statement purposed to be coming from the spokesman.

An hon. Member: He should be sacked.

Mr. Khaoya: Mr. Speaker, the hon. Member is saying that he should be sacked, and I agree.

We should then continue with our normal relationship just as usual. If there is anything wrong, let a Government Minister come here and deny it. If we think we have facts, then we can counter and from there the Minister responsible can go and look into his own Ministry and see if he can get more facts and then maybe come and apologize. That is how governments are run. Otherwise, I think it was a very big embarrassment to hear something which would make us believe that the civil servants are the Government and that Parliament is different. This is the impression we got. We discussed here and we had the Leader of Government Business, who is the Vice-President; and according to the statement, the spokesman did not recognize the Vice-President here as the spokesman.

An hon. Member: Unless he is the one.

Mr. Khaoya: No, I do not think he was because he is capable of defending himself here. This is very dangerous indeed. I am appealing to the Vice-President, as the Leader of Government Business here, to take up this matter very seriously indeed.

Mr. Speaker, the other point which I would like to raise here is that an issue of this nature does not recognize party affiliations. We have all seen this afternoon that hon. Member after hon. Member from this side and from the Opposition has spoken the same language. Why? Because we all belong to this House and we jealously defend this House.

Mr. Speaker, because I would like to give a chance to my colleagues, I would only request—once more—the Government to tell us, after admitting, of course, that they made a mistake, because some of us are Christians and we can admit that we made a mistake and that the Government is going to sack that person. Also, they should assure us that in the future nothing of that kind will ever happen.

Thank you, Mr. Speaker.

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, I would like to reply to this anxious debate which was moved this evening by hon. Mbogoh. I hope the Members will bear with me, and I can assure them I am going to be honest in this affair, as was suggested by hon. Mbogoh. I am also going to be fair and just in telling the House the real facts. I know, Mr. Speaker, that my friend the hon. Kariuki is a little cross because he did not have time to speak. I think, Mr. Speaker, according to the Standing Orders it says a Minister must be allowed 15 minutes in order to see if he can clear the air. Therefore, if my friend hon. Kariuki is annoyed because I stood up, it is unfair.

Hon. Members: Are you the spokesman? Tell us.

The Speaker (Mr. Slade): Order! Hon. Members have moved a very serious matter, and they made a lot of noise in doing so; so they will now hear the reply in reasonable silence. They should give the Minister a chance.

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, it is right and proper that the Members of this House must be concerned by the statement which was made, and it is true they must seek a Government decision on this particular one.

Mr. Speaker, on behalf of the Government, I share their anxiety for this particular request. I would like to assure the hon. Members of this

House that there is no question whatsoever in a democratic Republic like Kenya to take away the Parliamentary privileges which enables the Members of this House to air their views. It is known this is embodied in our own Constitution, of which we are part and parcel; we are the architects of this Constitution which was democratically drawn. This will continue to be followed and the Members of this House will be allowed, under that Constitution, to speak their minds without fear and without intimidation.

I would also like to come to another point—the question of the freedom of the Press. The Government, all along since we attained our independence, has stressed—and the President has on a number of occasions stressed—the need for freedom of speech, and it has allowed the newspapers in our country to play fair with that freedom of speech. The Government has no intention, whatsoever, of curtailing that freedom of speech; only in special circumstances, when that special privilege given to the Press is abused, that Government can interfere. The Government is not going to see that the Press reports what the Government wants. The Press has the freedom of reporting criticism from the people of Kenya, and it has no intention whatsoever of curtailing that freedom.

I would like the Members to take this very seriously. This is an assurance from their own Government of which they are part and parcel, and they cannot single themselves out and say they belong to another Government. That is why, Mr. Speaker, I say the Members have taken a keen interest in seeing that they bring this Motion in order to sort out the mess we are in.

Mr. Speaker, Sir, we would like to see that there is no cloud hanging over us. It is true that the Leader of Government Business, the Vice-President, is responsible for answering any statement which has been made in this House, and no one else has the right to make it outside. It is true that the Leader of Government Business, who is also the Vice-President, has the responsibility to see that there is unity between the Kanu Parliamentary Group, and also including the Opposition when it comes to matters of national importance, as we are embodied together and drafted together for the welfare of the society of Kenya and, of course, the just government of man.

In doing so, Mr. Speaker, we must also be Christians as my hon. friend, Mr. Khaoya said, and we must be willing to forgive. This is very important. Willing to forgive after a clear statement like the one I have made on behalf of the Government, and I am pleading with the Members of this House to accept my request.

[The Minister for Housing]

Mr. Speaker, Sir, I do not want to go back and refer to the circumstances under which this statement was made, but I am now asking the Members of this House to accept that the Government will take care of this and rectify it, and, in future, such things will not occur again. Mr. Speaker, Sir, the Members must have the spirit of give-and-take. Mr. Speaker, Sir, we sat here listening to speeches, which we took very seriously, from the hon. Members, and I would like to pray to the Members to listen to my humble plea: that the Leader of Government Business is going to deal with this affair. This is fair enough; so, what more do the Members want? Mr. Speaker, I have assured the Members that action is going to be taken, and I cannot go further than that. I have assured the hon. Members that this is not going to be repeated. If I assure you, Mr. Speaker, that the very foundations on which our very democratic Republic is based is not going to be touched, and that the Parliamentary immunity is not going to be touched, what more do the hon. Members want?

Mr. Speaker, what I am doing is thanking the Members for supporting the Government, and also assuring them that this will not be repeated again.

Mr. Speaker, Sir, some Members are saying that I must apologize. Honestly, I have assured the Members that this will not be repeated again. This is a very important matter. We will check and see that such statements are never made again, and Parliamentary immunity will not be touched.

Mr. Speaker, Sir, I am sure that the Members have seen that the Government is determined to rectify anything which is brought before the Government. We are not at all, and I repeat, we are not at all going to minimize the supremacy of this House. We are determined to see that unity between the Members of this House and the Government—of course, Members are part and parcel of this Government—continues.

Mr. Speaker, Sir, with these few remarks, I hope the hon. Members have seen that the Government has an arm to rectify this matter.

I would like to come to another point which was raised by the Leader of the Opposition. He said that the Head of the Government is somehow responsible. Let us be frank, Mr. Speaker, in his home he is the head of his family. The sons or the daughters sometimes make a mistake. Does he have the spirit, Mr. Speaker, of forgiving the mistake which is made by his son or daughter? What I am trying to say, is that the Leader of the Opposition must accept that at times mistakes

are made, but when they are exposed and accepted, then the spirit of unity remains and continues.

Mr. Speaker, I see the Members are—

The Speaker (Mr. Slade): Order! Order! Order! You have a point of order, Mr. Shikuku?

Mr. Shikuku: On a point of order, Mr. Speaker, what happens in a case where a Minister is deliberately consuming time with delaying tactics like this? Is it not in order for you to ask another Member to speak?

The Speaker (Mr. Slade): The hon. Member quite correctly said that on this particular procedure of a Motion for Adjournment under Standing Order 20, the Mover and one Minister each have 15 minutes in which to speak. The hon. Member has not yet used up his 15 minutes, and he is entitled to use it as he likes.

Mr. Okelo-Odongo: On a point of order, Mr. Speaker, is the Minister in order to use the kind of similes which he has used concerning the Leader of the Opposition? That what the Government has done was, in fact, a mistake by somebody smaller in Government, and yet the Government had two days in which to correct this if it was wrong? Is the Minister in order to come here and merely not answer the debate, not to say if the Government was wrong or right—

The Speaker (Mr. Slade): Order! You are not making a good point of order at all, Mr. Okelo-Odongo, though you are sparing Mr. Ngei the trouble of spinning out the last few minutes. I thought his simile was rather nice.

The Minister for Housing (Mr. Ngei): I am very pleased that you have congratulated me on this particular issue, Mr. Speaker.

Mr. Speaker, my last point is how could the Kanu Government, the Kanu Members expose to the Opposition our affairs? If there is something which the Members of the Kanu Parliamentary Group, which forms the Government, want to know, then I am prepared to tell them as the Kanu Parliamentary Group. I am not prepared to tell the story of Kanu before my hon. friend the Leader of the Opposition. This is feeding the Opposition party with ammunition to shoot back at me, and I am not prepared to do this. I am prepared to keep my ammunition—

Mr. Oduya: On a point of order, Mr. Speaker, in view of the fact that it is this House, not the Opposition nor Kanu as a party, it is this House which was attacked by this invisible Government spokesman, is the Minister right in saying he will disclose only this information to a particular Parliamentary Group and not to the House?

The Speaker (Mr. Slade): No, it is quite true that the matter which has been raised is a matter of principle affecting the House as a whole, but I do not think it is out of order for the Minister to say that because it may involve someone for whom his party is responsible, that he prefers not to disclose the error to the Opposition.

ADJOURNMENT

That is the end of our time. The House is now adjourned until tomorrow, Friday, 30th May, at 9 a.m.

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

Friday, 30th May 1969

The House met at Nine o'clock.

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 109

CHIEFS' MEETINGS, KILIFI DISTRICT

Mr. Mwatsama asked the Minister of State, President's Office, if he would tell the House what was the aim and object of the Kilifi District Chiefs' meetings which were being held in every location under the chairmanship of Chief Ezekiel Karisa of Bamba Location known as Kilifi District Leaders.

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

I am not aware that Chief Ezekiel Karisa has held any meetings outside Bamba Location of Kilifi. The chief has powers to hold *barazas* and meetings in his location at any time to explain Government policy in the course of the execution of his official duties.

Mr. Mwatsama: Mr. Speaker, Sir, arising from that reply, is the Minister aware that there was a meeting of all chiefs of Kilifi District which was held at Chabari, and I and Mr. Omari also were there? Could he tell us what it was for?

Mr. M. Koinange: Mr. Speaker, I am not aware of that, but if, in fact, there was such a large meeting, I do not think there is anything wrong with it.

Mr. Mwatsama: Mr. Speaker, is it not true that in every division the district officer is allowed to hold one meeting for all chiefs, and what are these meetings for?

Mr. M. Koinange: He was invited to the meeting and so I do not see why he does not know what it was for.

The Speaker (Mr. Slade): Next question.

Question No. 118

NZOIA MARKET PLOTS RENTS

Mr. Odera-Sar asked the Minister for Local Government if he would tell the House why rents for plots in Nzoia Market differed, some Sh. 64 and others Sh. 30 per year.

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

In August 1964, the local board of Central Nyanza decided that some of their markets which showed good progress and were of a permanent nature be graded as priority A markets and their

plot rents were to be Sh. 64 per annum. Annually renewable receipts were issued by the Provincial Commissioner under the provision of the Native Tribes Land Ordinance, Register 1458/53 and 1459/53. Nzoia North Market is one of the 13 markets in the above category A, but Nzoia South Market was grouped by the same board as category C, and its plot owners were asked to pay Sh. 30 per annum.

Mr. Odera-Sar: Mr. Speaker, Sir, if that is the case, why does the council not provide these traders with title-deeds because they do not benefit from getting plots in the trading centres?

Mr. Njiiri: Mr. Speaker, Sir, as far as title-deeds are concerned, the Ministry of Lands and Settlement is very close to the question of title-deeds, and they should be requested to consider that as far as the council is concerned.

The Speaker (Mr. Slade): Next question.

Question No. 85

BRIDGE OVER TIVA RIVER FOR YATTA PEOPLE

Mr. Munyasia asked the Minister for Works if he would tell the House, if he would consider possible means of aid in the way of constructing a permanent bridge (like the one at Niyuu River), in view of the fact that people of Yatta in Kitui District suffered hardships in crossing the Tiva River during the rainy season.

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

With Kitui District there already exists a high-level bridge over the Tiva River at Ikutha. In addition, two high-level bridges have been designed and will shortly be built to cross parts of the same river on the main Kangondi-Kitui road, at Kaayo and Kauwi. Furthermore, the Government has already allocated £5,000 this financial year for widening the Tiva drift and improving its approaches at Ibobwe. The design has been done and work is due to start soon.

Apart from the above bridges over the Tiva River, a bridge is due to be built over the Kalundu River in the same programme, and all these new projects are within about 15 miles of each other. Also, further off, but still within Kitui District, there is scheduled to be built soon a bridge over Tyaa River at Mwingi. In addition, to connect Kitui with Kibwezi on the Nairobi-Mombasa road, a high-level bridge is already under construction over the Athi River.

I would request the hon. Member for Kitui West and the people of Kitui District in general to appreciate the fact that already Government is putting in a great deal of effort on bridge-construction for the district.

Mr. Munyasia: Mr. Speaker, Sir, while appreciating all that the Government has done, I would like to come back to the Question as put: this location to which I am referring in Yatta is completely cut off because of this river known as the Tiva and, therefore, would the Minister consider how to save the location from this hardship because this location is like an island? Would you be kind enough to consider whether you can put in a drift so that during the periods of rain they have a better way of crossing?

Mr. Bomett: Mr. Speaker, Sir, we do things one by one and according to plan. I have told the hon. Member that there is quite a lot which has been planned for his district and I would like him to appreciate that we cannot move faster than finances allow.

The Speaker (Mr. Slade): Next question.

Question No. 123

HEALTH INSTITUTIONS AND SCHOOLS DAMAGED BY FLOODS

Mr. Mwamzandi, on behalf of Mr. Wakole, asked the Minister of State, President's Office, if he would tell the House if the Minister would consider special assistance for the restoration of schools, dispensaries and houses which had been lost in the floods of December 1968.

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

My Ministry negotiated for special assistance by an American organization known as the Co-operative for American Relief Everywhere, CARE in short, which, last February, purchased materials at a cost of K£2,000 to be used in restoring schools, dispensaries and houses in Tana River District. The Ministry provided another K£500 as temporary relief measures for food and clothing for the families in the flood-stricken areas.

The Speaker (Mr. Slade): Mr. Wakole's next question.

Question No. 122

CATTLE AUCTION FEES/TANA RIVER DISTRICT

Mr. Mwamzandi, on behalf of Mr. Wakole, asked the Minister for Local Government if he would tell the House—

- (a) how much money had been collected by the Tana River County Council in respect of cattle auction fees in the years 1967 and 1968;
- (b) since the council was getting such money as fees from every auction, what the council had done to benefit the livestock of the district, e.g. water dams construction.

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

The following fees were collected. In 1967, Sh. 24,675/35, in 1968, Sh. 48,961/50.

As to the second part of the question, if the hon. Member is suggesting that cattle fees are collected to dispense any livestock services, then he is mistaken. All fees and charges, together with graduated personal tax, form the general revenues of the council, from which all services are financed with the aid of Government funds. It is a matter for the council to determine how this money is to be spent, subject to my approval of their budget.

The main items of expense are education, health, but some money is allocated each year to water development. However, wooden cattle crushes have been built by the council in places like Golbanti, Garsen, Galole and Wain, and I understand that the council, with the assistance of the Range Management Division of the Ministry of Agriculture, have planned for dams to be built as soon as possible, with assistance from United Nations Development Projects and the Food and Agriculture Organization.

Mr. Mwamzandi: Mr. Speaker, Sir, arising from the Assistant Minister's reply and in view of the fact that so much money was collected by the county council from cattle auction fees, could the Minister instruct the Tana River County Council to build dams and send more veterinary scouts in order that cattle-raising might be twice as much as it is now?

Mr. Munoko: Mr. Speaker, there is no need to instruct the county council to do that because they are already doing this.

I would like to point out that the money collected in respect of cattle fees is not enough to build even one dam.

Mr. Somo: Mr. Speaker, Sir, in view of the fact that the council has collected taxes amounting to over Sh. 70,000 for the last two years, would the Minister consider building water dips so that the number of cattle can double in that area in order that the county council can collect more funds?

Mr. Munoko: Mr. Speaker, Sir, I do not know what these water dips are, but as I have already said, the council is at present having discussions with the Ministry of Agriculture with a view to carrying out construction work on dams. Thus the people of that area can be helped as far as the cattle are concerned. However, there are certain areas where this work can be carried out more profitably, and this is being looked into.

The Speaker (Mr. Slade): We come now to Mr. Chillo's Question.

Question No. 102

MAINTENANCE OF SECONDARY ROADS

Mr. Obok, on behalf of Mr. Ondiek-Chillo, asked the Minister for Works if he would tell the House whether:—

- (a) Since the House had urged Government to take over maintenance of all secondary roads in the country as the responsibility of the Central Government, the Government had acted on that resolution.
- (b) Why it was that after passing that resolution, all the secondary roads were now in a worse condition than before.

The Minister for Works (Mr. Mwanyumba): Mr. Speaker, Sir, I beg to reply. I must apologize to the House because the answer is a rather long one.

The hon. Member is no doubt aware that, at present, secondary roads are vested in the county councils and before my Ministry can take them over, the existing legislation must be revoked and new legislation, embodying the change, must be passed by this House.

My Ministry is not at present fully staffed or equipped to carry out both the maintenance of trunk roads and secondary roads in an efficient manner. Taking over of secondary roads would mean an additional six to seven thousand miles of road to maintain. This additional maintenance responsibility will mean that my Ministry will have to engage more engineers and the supporting staff. The majority of additional supervisory staff will have to be trained by my Ministry, as approximately 110 road foremen will be required, and these will not be available for recruitment immediately.

In any case, arrangements are now being made to open a Road Supervisory Training School where this staff will be trained over the next two to three years. Similarly, more plant operators, drivers, and so on will be required, and training of such staff will also take some time. In addition to the staff that will be required for the additional work, funds will have to be found to purchase additional equipment, such as graders, bulldozers, trucks, rollers, and so on.

My Ministry, Mr. Speaker, realize that taking over of all secondary roads, as well as the other roads serving special agricultural activities, such as tea roads, sugar roads, settlement roads, and so on is a process that is bound to take a fairly long time because of the heavy additional responsibilities that would have to be assumed. It would

not be unreasonable to expect such a process of taking-over to be phased over a period of two years. It would be necessary for the county councils' maintenance organizations to be replaced by a well-trained, well-equipped and well-administered Government organization, as there would be little purpose in making the change at all unless a definite improvement of roads were achieved by such a move.

My Ministry is planning for a smooth take over of secondary roads as well as other roads, financed by external agencies, and in this exercise my engineers are being assisted by a firm of engineering management consultants. We expect to have all the plans for taking over ready by July 1969, after which, a start will be made for the implementation of our plans. It is expected that the taking-over will be phased over a period of two years, in order to allow for the necessary training of staff as well as acquisition of the necessary construction and maintenance equipment.

Mr. Obok: Mr. Speaker, Sir, arising from that very long reply, with a lot of complications in it—

The Speaker (Mr. Slade): I do not think you can complain at the length of reply at all on such an important subject.

Mr. Obok: Yes, Sir, I agree.

Arising from that long complicated reply from the Minister, does the Minister not agree with me that we cannot expect quick development in our country if the roads are as they are at present? Are they not harmful and very expensive to our road users, including Ministers?

Mr. Mwanyumba: Mr. Speaker, Sir, it is because of the present state of roads that my Ministry is already taking steps to see that an improvement is made. We are all working towards that end; that finally, the Central Government will take over the maintenance of all roads.

Mr. Ondiek-Chillo: Mr. Speaker, is it not true that after passing the resolution which asked the Government to take over secondary roads, the county councils decided not to maintain such roads, and the roads are now in a dilapidated condition and are impassable?

Mr. Mwanyumba: Mr. Speaker, Sir, I do not think I can agree with the hon. Member, because we know the financial state of affairs of many county councils. Government is trying to do what it can to help. However I do not think the county councils are neglecting the roads purposely.

Mr. Ondiek-Chillo: Mr. Speaker, could the Minister agree with me that the roads in Nyakach in particular are not being maintained now

[**Mr. Ondiek-Chillo**]

by the county council, and this has been from the time this resolution was passed? If the Minister is doubtful, would he agree to visit the area on the spot and see for himself in what condition the roads are? Would he agree to come along with me and see for himself?

Mr. Mwanyumba: Mr. Speaker, Sir, the responsibility of roads in Nyakach— Most of the roads in Nyakach are county council roads, maintained by the county council. If the hon. Member wants them improved, then I think he should approach the county council and tell them the bad state in which the roads are.

I am able to talk to the Minister for Local Government and advise him to push the county council if that is desirable.

Mr. Gikunju: Mr. Speaker, Sir, arising from one of the replies that the Ministry cannot take over these secondary roads, because of the present Regulations, would the Minister consider bringing amendments of these Regulations so that when he is ready to take over, the Regulations will not prevent him from doing so?

The Minister for Works (Mr. Mwanyumba): Mr. Speaker, Sir, we cannot take over the maintenance of secondary roads without bringing legislation to this House to be approved by this House. This is being looked into, not only by my Ministry but also by the legal people from the Attorney-General's Office.

The Speaker (Mr. Slade): Next question. Mr. Kebaso.

Question No. 95

APPOINTMENT OF ASIAN RESIDENT MAGISTRATES

Mr. Kebaso asked the Attorney-General if he would tell the House whether the Government would stop appointing Asians as Resident Magistrates in the Kenya Judiciary, and invite applications from other Commonwealth countries and from African countries to fill in the existing gaps on the Kenya Benches.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to reply. As I had to say yesterday in another question, it is the policy of the Government that preference will be given to citizens of Kenya when they can fit in the public service field.

Mr. Kebaso: Mr. Speaker, Sir, will the Attorney-General tell the House what is the difference between citizen and Africanization? I repeat, is there any difference between citizens and Africanization, because we have to Africanize certain jobs and if we are to do so, are these citizens going to prevent us from doing so?

Mr. C. Njonjo: Mr. Speaker, Sir, a citizen is a person like me, the hon. Member and all other people who are citizens of this country. Kenyaization is a process.

Mr. arap Biy: Mr. Speaker, Sir, would the Attorney-General agree with me that there is no need of replacing expatriates with other expatriates?

An hon. Member: Replace them with Kenyans.

Mr. C. Njonjo: I entirely agree.

Mr. Mwalwa: Mr. Speaker, Sir, in view of the fact that many of these Asian magistrates have failed to discharge their duties properly, can the Attorney-General give an undertaking that he is going to stop appointing them immediately?

Mr. C. Njonjo: Mr. Speaker, Sir, this is yet another generalization which is very unfortunate. I ask this House to recognize the work the magistrates are doing in this country, whether they are Africans, Europeans or whether they are Asians. If the hon. Member can tell us and move a Motion in this House and quote a magistrate that he has in mind who is not discharging his work properly, then the matter will be investigated.

The Speaker (Mr. Slade): I agree that such general accusations against a class of employees or race, are most improper.

NOTICE OF MOTIONS FOR THE ADJOURNMENT

NATIONAL HOUSING CORPORATION IN RURAL AREAS

The Speaker (Mr. Slade): I would inform hon. Members that on the Adjournment next Tuesday, 3rd June 1969, Mr. Karungaru has permission to raise the matter concerning houses built by the National Housing Corporation in rural areas.

SHORTAGE OF EQUIPMENT IN SCHOOLS

The Speaker (Mr. Slade): On Wednesday, 4th June 1969, on the Adjournment, Mr. Godia will follow up his question of schools lacking equipment.

MOTION

OPERATION OF RENT RESTRICTION ACT

Mr. Karungaru: Mr. Speaker, Sir, I beg to move the following Motion:—

THAT, in view of the present discriminatory attitudes being practised by some landlords throughout the Republic against Africans either by denying them the opportunity of renting premises or by demanding exorbitant rents,

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this House resolves to appoint a Select Committee to inquire into these prevalent malpractices and to make recommendations to the House as to restricting the demand of exorbitant rents, and as to possible amendment of the existing Trade Licensing Act, the Rent Restriction Act and any other relevant law.

Mr. Speaker, Sir, many people in the country have already seen that by passing the Rent Restriction Act in this House it will not help all Africans. By this I mean to say that there are some other laws which have been made and some of these laws have proved to be useless. They cannot help our people in this Republic. Mr. Speaker, Sir, there is no doubt that many of our people have seen and have experienced the difficulties facing them as a result of some of these laws. One of these laws, Mr. Speaker, Sir, is the Landlord and Tenant Act, which was passed in this House in 1965. This law, Mr. Speaker, Sir, is not at all helping the indigenous people of this Republic, irrespective of the fact that many people of this Republic have been promised many things with which they will be provided. Recently, Mr. Speaker, Sir, a law was passed in this House regarding the Trade Licensing Act and almost everybody in the Republic expected that this law could be implemented. What has happened now, Mr. Speaker, Sir, is very sad because many of our people cannot manage to go into the businesses because the landlords have already ganged up against the people who are supposed to be benefited by these laws. Mr. Speaker, Sir, the landlords are playing a tricky game of preventing people from getting into businesses in this way, in that they increase the rents to whoever is interested in coming into business. Mr. Speaker, Sir, something which is very strange is that once you have agreed to pay Sh. 800 for a certain premises, you have no option. You cannot go to the landlord and challenge him to come to the tribunal or court of appeal against the decision. Some of these landlords are very clever, they are very cunning and they know why they are doing that. They know that many of our indigenous people do not own buildings, and therefore, they are just thinking how to prevent our people from getting into business. This is an allegation and any one can ask me to prove it.

Hon. Members: Prove the allegation.

Mr. Karungaru: However, Mr. Speaker, Sir, I am proving. There is another method which is being adopted now by some of these unscrupulous landlords of converting some of the

buildings into other businesses without realizing that they have been given notices to quit the businesses that they are carrying out in these premises.

Mr. Speaker, Sir, if you go to Nairobi today, you find that all the shops which were being run by some of the non-citizens, say, certain given businesses, have already been converted into different businesses. The aim, Mr. Speaker, Sir, is to defeat the Trade Licensing Act implementation, which was supposed to act accordingly. So, if an Asian, a European or an Arab was running a certain shop as a *duka-wallah*, and he has been given a notice to quit, he converts it to a curio shop. We have seen so many curio shops being run by some of these non-citizens. Mr. Speaker, Sir, is not very strange?

An hon. Member: No, it is not very strange.

Mr. Karungaru: It is very strange. Whoever says that it is not strange is perhaps encouraging it. If we are aiming at seeing that the present Trade Licensing Act is implemented, then we have to see that these people are not encouraged to convert some of these shops into different businesses.

Mr. Speaker, Sir, you can see that if a landlord wants to increase the rent, he has an option under the present law. He can either go to the Tribunal Court and appeal against the tenant's rent which he is paid. The tenant has no option, he cannot appeal against anything; once he has agreed to pay a certain amount of money, that is the end of it. He cannot appeal against any decision that he has agreed with the landlord. In other words, this law was made for the landlords, and it has no place for the tenants. We want a law that is uniform; we do not want a law which favours a certain class of people and discriminates against a certain class of people. Mr. Speaker, Sir, we would like to know why this law cannot be amended. I think this is a fair approach that we are making to our Government. If our Government is intending to help our people, then it must also see that a law like this one which is meaningless and cannot help our people, is amended.

The Assistant Minister for Lands and Settlement (Mr. Malinda): Question! Question!

Mr. Karungaru: If any hon. Member of this House can question my stand in this regard, may I draw your attention, Mr. Speaker, Sir, to the fact that perhaps the Member concerned is involved, and may be one of those people who are now discriminating against us because he is covered by this law. Maybe he owns a lot of buildings, I do not know. He has no constituency,

[Mr. Karungaru]

I do not know who he is representing. He is supposed to represent me, but instead of representing me he is now trying to misrepresent me.

Mr. Speaker, Sir, many of the premises which were used for commercial business have now been converted into residential quarters. The aim behind it is only to defeat the law passed by the Ministry of Commerce and Industry the other day regarding trade licensing. The moment that the new traders will not get shops or premises to run their businesses, how will they run businesses of this nature? How? Mr. Speaker, Sir, I think the Minister for Commerce and Industry is sitting on fire because he does not know what is happening in the country and that it is useless for him to continue telling us that these businesses will be Africanized, the businesses will go to the Africans. How will the businesses go to Africans if we have a law such as this one—

An hon. Member: When the Africans have no buildings.

Mr. Karungaru —and when the Africans have no buildings. I think that some of these people are taking advantage of our ignorance by passing laws here and we do not know what we are doing. I wish I had been in this House when this law was passed.

Hon. Members: Where were you? What could you have done?

Mr. Karungaru: Mr. Speaker, Sir, I am being asked what I could have done. What I could have done was just to oppose the whole thing, because this law is not helping us and some of us in this House are passing laws without knowing what these laws are for. I wish I had been here because such a law as this one would not have been passed.

Mr. Lubembe: On a point of order, Mr. Speaker, Sir, is the hon. Member in order to doubt the sincerity and capability of Members of this House, to say that they pass laws that they did not understand, that they knew nothing about? Is he really in order?

The Speaker (Mr. Slade): Yes, he is in order.

Mr. Karungaru: Mr. Speaker, Sir, I do not need to quarrel with the hon. Member who has asked that question—

An hon. Member: Speak on the Motion.

Mr. Karungaru: —because we know about his attitude, we do not need to discuss his character.

However, Mr. Speaker, Sir, I am still making my case. There are some buildings which were

built in this country before I was born and which are existing now in the City of Nairobi, in Nakuru and other places.

An hon. Member: When were you born?

Mr. Karungaru: When I was born is not the issue. The issue is when these buildings were built, because, Mr. Speaker, Sir, the rent of these very old houses is extremely high, and up to now the Government has not seen fit to go into the question of finding out how old these buildings are and whether they are worth the money which some of the traders are asked to pay for them. We would like the Government to go into this, because we cannot sit in this House and see our people being exploited, at the expense of this House. We are not going to sit in this House in that respect, and whoever thinks that he can sit in this House, and simply let the people be exploited, should not be allowed to be elected into this House. I think, Mr. Speaker, Sir, that we are not only elected to come and pass laws here; we are also elected to come and criticize any law which is not beneficial to our people.

Mr. Speaker, Sir, the rent of a building today, which was built in 1902 is Sh. 1,000 per room or shop. Is this not a great shame to our Government? Yet the Minister for Commerce and Industry goes around the country telling people that they will come into business. How will they come into business? How?

An hon. Member: He has come late.

Mr. Karungaru: He had better tell us how the people will come into business, rather than going round and round telling the unfounded gospel, preaching it this way and that, and yet he does not know the problems facing our people. I would call upon him now to come to the question of realization and know that we do not want *maneno mingi mingi*. We want action.

Mr. Speaker, Sir, in the recent Act we passed in this House regarding trade licensing, I do not remember whether there was any clause which was in connexion with limitation of the number of non-citizens who were to be issued with quit notices. Suddenly—and I would say that this was a coincidence—by the time this Act was to be implemented, the Minister at that time was not in the country, so the whole thing was left in the hands of the civil servants. You know what happened, Mr. Speaker, some of the notices were not issued, some of them were issued, some were appealed against. Up to now, some of those people who appealed against the notices they were issued with, have not yet been told what is happening. I do not know which board is hearing appeals, I do not know who the members are, whether it is just one man, a committee, a court

[**Mr. Karungaru**]

or anything of that sort. We would have liked to have seen that this Act cannot be implemented, the Minister to sympathize with our people. Also, we are asking this House to see that, by our asking it to amend this law, we are agreeing with the Minister and we are supporting him. We are not against him; we are against the idea being employed contrary to what we have been expecting. That is not what we anticipated. We did not expect that by passing this law some other people could go against the Minister, against the Ministry and even against this House, and see that this law was not implemented which is now happening.

Mr. Speaker, Sir, the other thing that I would like the Minister to know is that if we had a standard rent, the question of an Asian asking for more money, simply because he had the opportunity of building shops when we were perhaps asleep, would not arise. At that time, we were perhaps asleep, but now all the non-citizens should realize that we are the people now in front. We are no longer behind as we had been at that time. Perhaps he was just favoured by time then.

Mr. Speaker, Sir, I will be very serious.

The Attorney-General (Mr. Njonjo): Mr. Kibaki will also be serious.

Mr. Karungaru: Mr. Speaker, the Attorney-General is telling me about the Kabaka; the Kabaka is not my baby, the Kabaka is not my concern, the Kabaka is not Kenya's property, the Kabaka is Uganda's property and he has nothing to do with us here.

The Attorney-General (Mr. C. Njonjo): Not the Kabaka, Kibaki.

Mr. Karungaru: Oh, I am sorry, I thought that Kibaki was the Kabaka. If the hon. Kibaki is not the Kabaka, I am sorry for the remark that I made earlier on.

The Speaker (Mr. Slade): Let us get to the Motion now shall we?

Mr. Karungaru: Mr. Speaker, we would like the Minister also to tell us why he thought that it was necessary for him to go and tell the Lions Club members during luncheon time that he was going to amend the Trade Licensing Law and he did not think that it was necessary to come and announce it in this House; he only thought that he could go and announce it when he was having lunch with some of these people who are interested in these matters. We do not want our Ministers to go and do that, because if this is the practice, some of these fellows will be telling

us, "Oh look, I know the Minister and if you play about I am going to see the Minister." We do not want this. We want everything to be done in this House. We do not want our Ministers to be carried by emotions. We want our Ministers to be very strong and tell us what they want in this House. This House is meant for that.

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

Mr. arap Biy: Mr. Speaker, Sir, thank you very much, I would like to take this—

Mr. Karungaru: On a point of order, Mr. Speaker. Is it not true that always, whenever there is a Motion like this one, that you, being the Speaker, give a directive and you ask the Member who has moved the Motion to say who is seconding, or somebody who has no material on this Motion can speak on it?

The Speaker (Mr. Slade): If an hon. Member has chosen some particular Member to second him, it is for him to tell me so; otherwise it is a question of who catches my eye.

Mr. arap Biy: Mr. Speaker, Sir, in the first place, I would like to assure my hon. friend who has moved this Motion that I have got a lot of material on the Motion. I did not want to stand just for the sake of standing to catch the Speaker's eye.

Mr. Speaker, Sir, the hon. Mover has made his case very clear and he has quoted some examples of exploitation which are going on in the City of Nairobi and also other examples in this Republic. I do know of some practical cases in Kericho, in Sotik and even in Mombasa. In Sotik township, when an Asian was renting a shop with some houses at the side of the shop, he was paying only Sh. 150 per month. When an African went into that shop he was asked to pay Sh. 400 every month. This is the sort of exploitation which the hon. Mover has appealed to the Minister for Commerce and Industry to look into and, if possible, bring an amendment to the law which will fill the gaps which now allow these fellows to exploit our Africans who are coming into business.

Mr. Speaker, the Mover, in his Motion, has requested this House to resolve that a Select Committee be appointed and this Select Committee would go into details and would examine some cases here in Nairobi, in Nakuru, in Mombasa and even in Meru, and then the recommendations of the Select Committee would enable the Minister for Commerce and Industry to do something which would go a long way to assist our young Africans who, as yet, do not have any good, sound financial ability.

[Mr. arap Biy]

Mr. Speaker, the hon. Mover queried whether this Rent Tribunal has got only one member of the committee or several members. I think the hon. Mover knows full well that the hon. Wariithi is—

Mr. Karungaru: On a point of order, Mr. Speaker, is the Member not misquoting me when I was quoting the Trade Licensing Tribunal rather than the Rent Tribunal?

The Speaker (Mr. Slade): He may have misunderstood you.

Mr. arap Biy: Mr. Speaker, if I did so, I am sorry.

Mr. Speaker, Sir, if the Rent Tribunal Committee does not have enough powers to deal with these cases, we would like the Minister—who is an African and he understands the difficulties of the Africans—to come forward, on this Motion, to set up a Select Committee of the Members of this House to look into this.

Mr. Speaker, Sir, I do not want to take the time of this House; I only wanted to come forward and appeal to the Members of this House, plus the Minister concerned and the Government, to accept this Motion as it is and I hope this committee will help a lot.

With these few remarks, Sir, I beg to second the Motion.

(Question proposed)

Mr. Mwalwa: Mr. Speaker, Sir, thank you for asking me to speak.

Sir, I would like to make one point clear in this House this morning and that is that the Minister for Commerce and Industry is an economist and sometimes he appears to be too smart for this House. I am requesting the Minister not to try to bring in an amendment to this Motion because the Motion itself says quite clearly what the Members of the House want.

Sir, let me come to the point straight away. What I am going to tell the House are facts of experience, not imagination, facts that I personally have experienced in Nairobi here. The purpose of enacting the Trade Licensing Act was to enable us to Africanize business in Kenya. Sir, is this now being done? I am afraid it is not. Why? The reasons are simple and clear. I know of several cases in Nairobi here and what is happening is this: If an African wants to rent commercial premises where a non-citizen has been told to leave, the landlord becomes very difficult and in some cases they speak very openly and say, "I am not going to give my premises to an African."

I know of a case where an African was told openly, "I am not going to give you my premises because you are an African and you can go where you want to go." This is in Nairobi South; a gentleman called B. N. Kiarire wanted to rent a premises in Nairobi South and this building belonged to K. P. Shah, a person who is very well known by the Members here. Mr. K. P. Shah refused to give this house to Mr. Kiarire and he had nowhere to go. This building is now occupied by an Asian, but whether he is a citizen or a non-citizen I do not know. This gentleman went again to another place in Victoria Street; the former trading gentleman there called himself the Ordinance Store. The landlord did not want to begin with Mr. Kiarire and so he refused completely, and that same place is now occupied by somebody calling himself a tobacconist.

Now, Sir, you can see how discrimination is going on in Kenya about Africans taking over the business.

Sir, I am going to give some more serious facts. I, personally, was involved, a few months ago, in trying to rent a business. The person who used to trade in this one was paying Sh. 1,400 per month, but he was told to quit and I began negotiations with him. When I went to see the landlord—a gentleman called Mr. Alexander—he said that if I wanted to use the premises, the rent would be Sh. 2,500, which is almost twice as much. Do you know what he told me? He said, "You either say yes or no." I had no way out except to say yes because I wanted the premises. The serious fact is that this building was built even before I was born; it was built in 1920. How can you expect with a building that is so old, even older than myself, that a landlord demands so much rent? Not only are there little shops there, but the whole building has far too many shops and the landlord is making a hell of a profit out of this old building.

Mr. Speaker, we have the Rent Tribunal Court and yet this Court has no powers to reduce the rents. That is the biggest problem. As the Mover of the Motion said, this law was only enacted to benefit the landlords, and not the tenants because the Court has no powers to reduce the rents. This I know because I have tried to find out from the members of the Court, and one of them said, "We cannot reduce these because we are not given powers in the law." I was told that there was a process of trying to amend the law, but my question is this: whoever is going to amend the law—maybe it is the Attorney-General or a civil servant—does not have the experience of the problems of the people who live in Nairobi. We are the people who have seen all the problems.

[Mr. Mwalwa]

and it would be proper and correct for the Minister to accept the Motion so that a Select Committee of this House could go into all these problems in all the different towns in Kenya, Kisumu, Mombasa and Nairobi, and even the little town of Kisii, so that they get the proper information.

Sir, I feel that it is only a Select Committee which would be able to solve all these problems. We have seen in the past what the Select Committees of this House have done; the Africanization Committee, under the chairmanship of Mr. Shikuku, how wonderful it did. We have seen the report, if you do not know what the committee has done.

Therefore, Mr. Speaker, Sir, I feel that the saviour of the African business in this country will only be the appointment of a Select Committee of this House so that they can go into everything and we get the right things. This Select Committee will be able to recommend to the Attorney-General from what they find so that the businessman in Kenya can participate really well and reasonably in the economy of this country.

Mr. Speaker, Sir, with these few remarks I hope that the Minister for Commerce and Industry—who is now here—will come forward and accept the Motion so that the country will benefit out of it. Otherwise, if he proves he is incapable, we will sack him and get another one because all hon. Members can do his job and I, personally, can even do better than he does.

The Attorney-General (Mr. Njonjo): Mr. Speaker, I accept the spirit of this Motion; the proposal and not the ghost like the hon. Member for Butere.

Mr. Speaker, as the House knows, there are already two Acts covering the matter which the hon. Members are raising, namely the Trade Licensing Act and the Rent Tribunal Act, and we are fortunate that in this House we have the chairman of the Rent Tribunal, the hon. Henry Wariithi. Perhaps he will take part in these deliberations and inform the House about the operation of the Act and the difficulties they encounter in the operation of the Rent Act.

I know, Mr. Speaker—I have discussed this matter with him—that there are some difficulties in the Act itself that need to be looked into, and I know there is a committee in which he is engaged which is discussing possible amendments to this legislation so that the operation of the Act is equitable to both the landlords and the tenants. We must remember that although at the

moment we are thinking of other landlords there are quite a number of our own people who own houses and we would like to see that whatever money they invest they get a fair return on their investment. Even the hon. Mr. Karungaru—I do not know—perhaps has a house rented to a tenant. If so, he would like to get a return for his investment. I think this is what the House is seeking to establish, that the rents must not be exorbitant but, at the same time, that the tenants must also pay a fair rent to the landlords. We know, Mr. Speaker, of a number of houses in Nairobi owned by our own people where rents are exorbitant.

Mr. Lubembe: In Nairobi West.

The Attorney-General (Mr. Njonjo): Not in Nairobi West, in Pumwani. Do not think of other places, think of the shantis which are being built. The hon. Member for Starehe, if he were to open up and tell us in this House, he would tell us of a number of shantis in his constituency—in which pigs should not even live—and these people who own them are charging Sh. 100 or Sh. 200 for 12 square feet of house.

Mr. Speaker, these are people that the Rent Tribunal should also be able to control. Unfortunately, at the moment they do not come—subject to what the chairman says—under his control. These people should also come under the purview of the legislation so that they too charge a fair rent. In my view, that type of house should not cost more than Sh. 5 a month to rent. The Minister himself will be speaking, there are certain loopholes in the legislation, and I think the House will like to see that the amendments are introduced to cover these holes.

There must be no misunderstanding in this House, Mr. Speaker, about the operation of this Act. The Act is the Trade Licensing Act. It has nothing to do with the building. Mr. Speaker, I think the hon. Member is misunderstanding. If a licence was refused to a trader, and he owns the building, that building still belongs to that landlord, and whoever takes it has to negotiate the rent with the landlord. If Mr. Karungaru owns the building, and his licence was taken away, if he gets another tenant, that tenant will have to negotiate the rent with the hon. Member. Therefore, we must not mix the two things, namely a licence to trade and ownership of a building. There are quite a number of people who are operating in Nairobi and do not own a building, but they have a trading licence and perhaps a lease on a building. If these licences are taken away, the building reverts to the owner and whoever comes in, namely the landlord, and therefore the hon. Member must not mislead our

[The Attorney-General]

people by saying that if your licence is refused you will take over the building. The building is owned by another person—

Mr. Karungaru: On a point of order. Is the Attorney-General not misrepresenting my speech by saying that I had suggested that if a trader has been asked to quit the premises, whoever comes will take over that property as his own? When did I say this?

The Speaker (Mr. Slade): There were some points in your speech, Mr. Karungaru, which I think called for elucidation of this kind. You were suggesting, I remember, at one stage that because a trade licence was taken away from the owner of a building, he was not free to do what he liked with the building, by way of converting it to residential use, for instance. There is no harm in clarification.

The Attorney-General (Mr. Njonjo): My name is not Mark Anthony to begin with. Mr. Speaker, all I was trying to clarify is that we must be clear in our minds when we talk about Africanization of trade, Africanization of the business. We must not forget that even if a licence is taken away, that building belongs to somebody, and whoever comes in, be he an African or an Asian or a European, he has to negotiate a rent or a lease with the owner of the building. Mr. Speaker, we want to encourage our own people to go into business. The Minister for Commerce and Industry has said time and time again that our people must be careful when they start business that they work hard, keep proper books of accounts and they do not misuse the money that they get by way of loans to buy something else instead of buying goods—

An hon. Member: Or buy more wives.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I am told by another Member that some people buy more wives. Mr. Speaker, I think we can learn from other people, that if someone is interested in making his business pay, he must be conscientious, he must work hard. Although we say a lot of things against the Asians, I think we can learn quite a lot from them. You will see an Asian working from five o'clock in the morning until very late at night in his *duka*. Our people must also be prepared to work hard, keep proper books of accounts and I am sure this is the only way that our people will make good in this exercise.

Mr. Wariithi: Mr. Speaker, I would like first of all, to agree with the Attorney-General in what he has said. As you know, Mr. Speaker, I am the Chairman of Business Premises Rent Tribunal, which has been set up under the Landlord and

Tenant Act of 1965, and during the operation of that Act, since 1966, I have become aware that there are several shortcomings in the law and, as my learned friend said earlier, there is a committee of four people composed of a member from the Attorney-General's Chambers, myself, and from the Ministry of Commerce and Industry. We are in the process of discussing the shortcomings of the Act under which the Rent Tribunal works. We have agreed, in principle, that the Act is very badly drafted and there are many shortcomings which restrict the operation of the tribunal. We accept that some rents being charged by landlords are very exorbitant; we accept also that the Act, as it is, does not protect the tenant as it should. Because of that, I share the anxiety of the hon. Member, but I doubt the benefit a Select Committee will bring if the Government has accepted at least that the Rent Act is defective and is going to be amended. It is in the process, in fact. I have already proposed amendments to this Act and they have been already accepted by the Ministry of Commerce and Industry, and the Attorney-General's Offices are in the process of drafting these amendments.

To be more specific, Mr. Speaker, there is the question of rent. The major defect of this Act is that a landlord can increase the rent at any time. He can give two months' notice to a tenant that he intends to increase the rent. When this is done, the matter comes before the Tribunal and the Tribunal has the machinery to assess a fair rent, whereas the tenant once he agrees to pay a given rent, once he signs a lease or pays a rent of say Sh. 400, cannot subsequently come to the Tribunal to complain that the rent he is paying is too high. This, in my view and the Tribunal's, is a big shortcoming because these days particularly many of our people are going into business and when you go to a landlord you negotiate a tenancy. He may ask you very high rent, but because you want to go into these premises, and if you do not accept that rent the premises will be taken by somebody else because of the high competition, you will accept whatever figure he states. Unfortunately, if you accept and pay even for one month, subsequently, you cannot come and claim that the rent is too high and that the rent should be re-assessed. I have said this is wrong and it has been accepted that it is wrong. If a landlord can increase rent at any time, the tenant should also equally be at liberty to come and say, "The rent I am paying is too high and I would like it to be re-assessed."

The other major thing, Mr. Speaker, Sir, is that some of these premises—let us say you have been paying rent for about ten years, they are

[Mr. Wariithi]

becoming old, they are dilapidated, and there should be a possibility of a tenant later on saying, "I have been paying this rent for a long time, this house is becoming very old and therefore I will ask the Tribunal to assess a fair rent." This is something I would ask the Members to consider very seriously. We accept there are shortcomings and these are in the process of being amended. There is the Rent Restriction Act, Mr. Speaker, Sir, which you are all familiar with. This Act is far better compared with the Landlord and Tenant Act. Under that Act, Mr. Speaker, a tenant can go to the Tribunal and complain or ask for the rent to be assessed and I do not see any reason why this should not be the same under the Landlord and Tenant Act. The Act was meant to help the Africans or may be businessmen not to be exploited by landlords, but they can only be helped if the Tribunal is given powers to assess what fair rent should be paid. The principle we follow in the Tribunal is that once you have invested your money to put up a building you are entitled to a return. You should get a fair return for your investment. On the other hand, you should not get such a big return which is not proportional to what other investors are getting in other investments. It is known that the landlords are usually very greedy. It is known that landlords demand very high rents, and they want to get a return for their money quickly. On the other hand, however, we cannot say that they should pay very low rents, so that people do not go into building property. What should be assured, and this is the policy, is to see that fair rent is paid and a man gets a fair return for the money he invests. So, Mr. Speaker, Sir, all that I am informing the House is that this Act is defective. There is another major defect in this Act, in that we only cover tenancies of up to five years, then you are under the Act. However, if you negotiate the tenancy for more than five years, let us say, five years and six months or six years for that matter, you are outside the Act. What we feel and this is what I have also recommended, is that all tenancies, no matter for what duration, should be covered by the Act; and if this is among the amendments, then I will accept. What I am requesting the House to consider seriously is that I would have liked to amend the Motion; but I understand, Mr. Speaker, that you have said that if one amends, and it approves the appointment of a Select Committee, that that will remove the central part of the Motion. I would have wished, if the Motion was to ask the Government to amend the law to remove all these difficulties which have been experienced. Nevertheless, I

think maybe when the Minister comes up to speak or reply, he will be able to say what the Government intends to do.

As far as the Trade Licensing Act is concerned, my experience is that there are certain loopholes also in that Act. As the Minister has said himself at several meetings all over the country, that amendments will soon be brought to this House to regularize the shortcomings. I would request the Minister to consider that if a person is given notice not to continue trading, he ceases to trade and another tenant comes to occupy the same premises, there should be a condition, that the new tenant must pay the rent which was being paid by the previous tenant. What is happening where the landlords are exploiting this situation is that when he is negotiating terms of tenancy with the incoming tenants, he normally asks very high rents—well nearly always—because there are many people competing to get into these premises. If he was getting Sh. 1,000 he even asks for Sh. 3,000 or Sh. 4,000. I know of many cases of people coming to us to complain at the Tribunal. There should be a provision under the Act, that in any situation a new tenant must pay the rent which was being paid and if there is a case for increasing the rent subsequently, then the landlord should follow the normal machinery, to give notice and for the matter to come before the Tribunal for assessing the rent. Landlords should not be allowed to take advantage of the operation of the Act. In other words, if somebody cannot trade, the man who is coming in without any proper experience in business, and probably he does not have much money, is asked such a high rent that it will make it difficult for him to carry on with his business properly.

The other part of this Act which I am not happy with is the question of giving somebody a licence not to trade in a given area in Nairobi and allowing him to trade in another area. This also, in my view, defeats the purpose of this Act. If somebody was, let us say, in River Road, and you give him a notice not to trade in River Road then you allow him to go to Government Road, that in my view, should not be the case. He is going to take all his customers with him; he is going to occupy other premises which have been occupied by another African businessman, so, once it is found that a person should not trade he should not be allowed to go to any other part of the town to carry on trade.

So, Mr. Speaker, I would say that my main aim in speaking is to assure the House that I, as the Chairman of the Rent Tribunal, I am satisfied

[Mr. Wariithi]

that the present law is defective, that it should be amended and that, in fact, the amendment is in the process of being drafted.

With these words, Mr. Speaker, Sir, I reserve my support.

Mr. Mwithaga: Mr. Speaker, Sir, I beg to move an amendment to the Motion, in view of the fact that the House understands the true sentiments of it. I would want it to read, Mr. Speaker, Sir, this way:—

THAT, in view of the present discriminatory attitudes being practised by some landlords throughout the Republic against Africans either by denying them the opportunity of renting premises or by demanding exorbitant rents, this House urges the Government to inquire into these prevalent malpractices as to restricting the demand of exorbitant rents, and to possible amendments to the existing Trade Licensing Act, Rent Restriction Act, and any other relevant law.

Mr. Speaker, Sir, I know Members, want to find out why I thought that the Select Committee should be left out. The sentiments of the Motion Mr. Speaker, Sir, are understood. They all end in one goal: that is, amendment to the existing law that affect the renting of premises. If that is the aim of the Motion, then there is no point taking a very long route as if we did not know the destination. Mr. Speaker, Sir—

The Speaker (Mr. Slade): Before you go further, I did wonder whether you were not removing too much of the substance of the question by cutting out the proposal for the Select Committee. However, looking again at the Motion as a whole, the main purpose is an inquiry into these alleged malpractices and possible improvement of the law. I think if the Motion is still asking for an inquiry, even though by Government instead of a Select Committee, it is maintaining the spirit of the Motion. So it is in order.

Mr. Mwithaga: Thank you, Mr. Speaker, Sir, for enlightening me. In fact, there is a need for inquiry, and I hope the Government will see sense in accepting this Motion, as amended, because most of these Members who are here, and other public servants, and the people in the country at large know that there are a lot of malpractices in the whole country as far as the renting of premises is concerned.

Now, Mr. Speaker, Sir, it has been seen and this is a fact, that when an African wants to rent premises, rentals are increased, and in that way he is kept out of the premises. Rentals are increased immediately, in order to provide an

opportunity for a Mr. Patel somewhere to come and rent it. He may be living in Mombasa. This is happening in towns and in other rural areas where trade is being carried out. Mr. Speaker, Sir, I hear the Member for Butere saying that in Butere the same thing is happening.

Now, Mr. Speaker, Sir, one thing we must understand. This is not happening merely because the landlords happen to be mostly foreigners; even with our own people, we must be honest, are doing similarly. Some of them are charging as exorbitantly as foreigners. Once a landlord has property, he is a landlord and therefore, Mr. Speaker, Sir, there is no question of treating this issue as a racial or biased one. It is a challenge to the landlords. The Government must bear the whole responsibility of inquiring into these malpractices, in order to alleviate the situation created by them which makes it impossible for traders and other would-be traders to take over business.

Mr. Speaker, Sir, one gets to wonder how premises have earned an additional value because Kenya has become independent, and I am wondering whether houses and premises were fighting for independence. Mr. Speaker, Sir, houses which were built in 1930, 1940, and in 1948 to 1950, you find today's rentals keep going up and up. Repairs are not carried out; maintenance and up-keep are not looked after; and these houses still go up in rental.

Now, Mr. Speaker, Sir, an Assistant Minister says that it is an economic upsurge. Mr. Speaker, Sir, I believe he does not understand what an economic upsurge is. Indeed, if he would support the keeping out of traders, by using this trick of raising rents exorbitantly to allow other traders who are wanted by the landlords to occupy the premises. In fact, Mr. Speaker, Sir, for the sake of justice, no landlord should decide who should actually come to his premises provided the trader comes and pays rent and will not disappoint the landlord. The law, Mr. Speaker, Sir, wants only the person to be able to pay rent, and pay adequate and just rent. Therefore, Mr. Speaker, Sir, if the Minister for Commerce and Industry comes out, eloquently as usual, to try and tell the nation, that we are trying to take business away from foreigners and put it into African hands, he must be able to provide methods for doing so. It is not just the buying out the business; facilities for rental must be just and adequate to enable that trader to be able to occupy such premises. Therefore, it is the onus of the Government to protect the would-be traders and the traders at the moment, so that they be charged only just and right rents.

[Mr. Mwithaga]

Mr. Speaker, there is a lot involved in this issue. The value of the houses and premises must be re-assessed. If a house was built many years ago, we must now find out the materials which were used, and this is simple economics. I am speaking now to a professor of economics, Mr. Speaker, the Minister for Commerce. We must find out what the value of building this premises was at the time of construction, and what the landlord has earned ever since. If the value of the house, built at that time, and the material involved was low, and during the period of 20 years that he has had this property he has earned so much, and the property has now paid for itself and now is only accumulating profit, then we must know whether these profits are called for, or uncalled for. If they were unnecessary, exorbitant and uncalled for profits, then this landlord must be made to allow another person at least to gain something out of this barter he has been feeding on for all those 20 years.

Mr. Speaker, Sir, politics is involved in this issue. Our people wanted the farms. We complained about the sale price of the farms. The Government has been hit very hard on this issue. Now, on the question of commerce there must be a similar attack on the issues which are not being taken care of. Therefore, Mr. Speaker, Sir, to facilitate the occupation of premises which will enable our people to trade and trade easily, conditions must be created which will enable such easy trade and facilities to be maintained. The conditions cannot be created by negotiations between the landlord and the tenant. Sir, the landlord tells you, "If you do not want these premises, I will get hon. Wariithi. He will give me £20 on top of what you are offering. You can go". This man sits there and thinks. He cannot raise the £20. Mr. Wariithi wants to grab the opportunity to occupy the premises by adding £20. This kind of competition is one of the tendencies which are there and which are creating malpractices because landlords are using these tricks to get what they want. This is known to the Government, that they are using these tricks to keep out African traders. Mr. Speaker, Sir, these cases have been brought to me in my town. The Chairman of the Rent Tribunal has been to Nakuru quite often to try and settle some of these cases. They are numerous. Each day does not pass without cases being sent to his office. Mr. Speaker, Sir, do we really need the Rent Tribunal to continue appeasing the people, or do we need conditions created whereby much work will not be done by the Rent Tribunal because a system has been worked out. What we are lacking is a system. We need

a system that would be able to provide facilities to our people. This must be stipulated in the law of the land. Mr. Speaker, Sir, I know we may be afraid to legislate, but we must take it on ourselves, as legislators, that however nasty a law may be we have to bear the burden.

Therefore, the Government must come out with a completely mobilized inquiry so that a system can be found, after that inquiry, to enable our people to occupy premises without having to suffer at the landlords' exploitation.

Mr. Speaker, Sir, I beg to move.

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, Sir, the Mover of this Motion made various positions quite clear—

The Speaker (Mr. Slade): You are seconding the amendment?

The Minister for Commerce and Industry (Mr. Kibaki): I am seconding the amendment as well as replying. I will take my 20 minutes.

Mr. Speaker, the important thing in order to get this Motion strengthened—

Mr. Karungaru: On a point of order, Mr. Speaker, with all due respect to the Minister, are we now clear that hon. Mwithaga has amended the Motion and, if so, what part of the Motion has he amended? We do not follow this. He was so mixed up.

The Speaker (Mr. Slade): You would hear when I proposed the question of the amendment. However, it is just as well you should understand it clearly now.

What the hon. Member is proposing is that you leave out the words after "House" down to and including "Committee" in the fourth line, that is to say, delete the words "resolves to appoint a Select Committee", and put in the words, "urges the Government". Then, later on, you leave out the words, "make recommendations to the House as to". In order to get the grammar quite right, I think, if you agree, you will have to put in the words, "with a view to" and leave out the words "as to" in the next line. What you would get is—

"this House urges the Government to inquire into the prevalent malpractices with a view to restricting the demand of exorbitant rents, and as to possible amendment of the existing. . ."

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, I think the hon. Member will be well appeased when we finish speaking.

Sir, the sentiments, if not the actual words in which they were expressed, expressed here, we share. Since this House passed the various laws

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which were aimed at assisting the new African traders, we have had nearly a year now of trying to operate them. Mr. Speaker, various, very difficult, administrative problems have come up. We, in the Ministry, and in the whole Government, because we have been assisted by the various administrative officers in various fields, have become very much aware of these particular malpractices and numerous other manoeuvres which I myself have had occasion to speak about a number of times. These are frustrating some of the things that we want to do.

Mr. Speaker, it is quite false for the hon. Member for Kitui East to presume that only he knows what the problems of the traders are, partly, as he says, because he moves with them. I do not know where he thinks we live. Mr. Speaker, we not only live with these people but some of us have the great fortune—like yourself, Sir, and myself—to represent concentrations of population in our urban areas where these traders are, not merely in our capacity as Ministers but also in our capacity as Members of Parliament in matters that they have brought to us. Equally, our own field officers were instructed from the beginning to watch out for these matters, and I would like on this occasion to say that we are very grateful for the assistance we have received from the field officers and from the officers in the Administration, the district officers, the district commissioners and the provincial commissioners. For these reasons, the malpractices have been brought to light.

We have also received valuable advice from the Rent Tribunal of which the hon. Mr. Wariithi is the Chairman, and which has four other members. They have, themselves, constantly come up against these problems. We know these problems. If I might just mention some of them so that Members do know that these have come to our attention, they are as follows. We are aware, Mr. Speaker, that for some of the old buildings in various parts of our towns, rents which are infinitely out of proportion with what should be paid are being requested. We are aware, too, Sir, that some traders who have been refused trading licences in various parts, have themselves refused to rent these places. In fact, we know of traders where we have had to take administrative action which is not really covered in that law. We have had to take administrative action to get people to open buildings which traders who were refused licences closed, and were quite unwilling to rent them to anyone, let alone negotiate any rent. Mr. Speaker, we are aware, too, of the opportunities being taken by

these landlords to demand exorbitant rents when a foreign trader has moved out and the new African is going to come in. Since, under the law, the owner of the building is negotiating new terms, he takes this opportunity to demand very high rents. Let us face it, there is, in towns particularly—in the main towns—a very high demand for these new premises being vacated. Therefore, the landlord does exploit this fact of a high demand being there, that he may have five, six different applicants seeking to go into that same premises.

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

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

Therefore, we accept now, as Mr. Wariithi has said, we in the Government, the need for amendment to these two laws and to some other laws in order to do two things. One, Sir, to strengthen the power of the Government in this whole question of assessment of rent. There is today the arrangement whereby the assessment is done by the landlord. The tenant's position is purely one of complaining, that too high a rent is being demanded for a given premises. Then it goes to the tribunal for a determination of whether or not the complaint is justified.

What is required now, and we accept this—and we are now in the process of drafting the amendment, and this House before it rises during this Sitting will have these amendments to deal with—is to give powers of initiative, both to the tenant and to the tribunal, to give powers, above all, that a tenant can demand an assessment of whether or not the rent he is being charged is fair or not fair. What will then happen is this: the Rent Tribunal will require to have at its service qualified people as valuers because otherwise they will get into a whole jumble of questions as to whose opinion is right. That is an amendment which is accepted and which will come. Three or four other amendments which are necessary have been listed by the chairman of the tribunal, Mr. Wariithi, and I do not want to repeat them.

The second aspect of this amendment, which is required in the Trade Licensing Act, is to enable the Government, when they have given notice to a trader to leave certain premises, the people who move in, either to buy those premises or to rent those premises, it should be a ground of complaint to the Rent Tribunal if they are charged a rent higher than the one which was being charged to the previous tenant. As the law is now, they could not raise this

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point as a ground for complaint because under the present law the terms would be new terms. Therefore, they could not complain because they would be new terms and, as I said, in view of the very high demand, they would be forced to agree to very unreasonable terms. For this reason the new amendments are to be provided.

I want to mention, too, that we have assisted in this question of valuation of premises, which had to be taken as a separate matter. Where people are buying business premises as a result of the Trade Licensing Act, there is need to assist in valuation. We, Mr. Speaker, have arrangements so that anybody, any African trader who applies for assistance through the Industrial and Commercial Development Corporation will always get a valuer provided. But this is not working effectively only for one reason, that in some towns like Nairobi, Mombasa, Nakuru, Naivasha and places of this sort, the demand for these buildings is so high that our own people, even after we have given them the valuation, because they are competing with So-and-so, are willing to go quietly and pay something extra to ensure that they get the premises. This is what is happening. We, as Members, have to recognize that this is happening. However, we are providing that particular service.

Mr. Deputy Speaker, I want to propose that since we have recognized these shortcomings, and with the advice of all those involved in the administration of these three laws, have already undertaken—and we have the drafts—to bring to this House the amendments that are necessary— Since this is what the hon. Member for Embakasi really wants, that there should be amendments which shall strengthen the Government and everybody else, in stamping out these malpractices, for that reason, Sir, I believe that the amendments by the hon. Member for Nakuru town are reasonable in that the inquiry which is requested now has been going on.

The inquiry which has been requested, we are willing to intensify. If there are any particular points which the hon. Members think must be covered in these amendments, we are willing to receive such advice from them. In view of this, Mr. Speaker, I think that we would be delaying the implementation of these measures by having a Select Committee of Parliament because a Select Committee of Parliament will base its views on the tenants who have already made their views known to the Rent Tribunal, to the Ministry and the various field officers. They will also, perhaps, get their views from the landlords who have

already made their views known to the same people; and then they will have to come and report back to this same House. I daresay that, with the greatest respect to ourselves as Members of Parliament, that we are likely to arrive at the same conclusion as those that have been arrived at with the help not only of lawyers but of everybody else as regards the amendment of these laws. Mr. Speaker, I would say, therefore, that rather than take further time, and spend so much time of the Members of this House in a Select Committee, we should be allowed to go ahead and bring in these amendments to this House as soon as they are published; and that will be very shortly. That is what I take to be an important matter, Sir.

There are two other matters I want to mention, Mr. Speaker, because I think we are all agreed that we proceed along the lines suggested by the Member for Nakuru town. There are two other matters on which the Members of this House can assist us. These landlords, in so many towns, particularly the smaller towns where people do not have access to the so-called estate agents, valuers, and so on, are taking advantage of the fact that our own traders, the African traders, may not be aware of the values, either of goods or of these properties. And there are cases which have come to light, where people have literally been exploited. Buildings which really were built in 1910—and which today are just *mabati* buildings, really have no obvious value as such, except that one will acquire the plot—very high rents are being charged for these; alternatively very high prices if the buildings are sold. Now, the hon. Members would do very well if, as part of their general political education to their constituents, they bring to light that we, as Government, are prepared to assist if requested. I say if requested because, essentially, a deal between one person and another to sell a property would not normally be brought to the notice of the Ministry of Commerce and Industry unless the person involved requires a loan or some other assistance. However, if this was brought to our notice, we are willing to assist in giving them valuers. This is one problem in which Members can help.

There is, Sir, the second problem where Members can help, and that is to encourage our people to think more in terms of business rather than purely in the ownership of business. You know, in the mind of the African, today, he is carrying over this mentality of the farmer, where the ownership of property is the most important thing, to be able to say, "That building is mine", "That land is mine", rather than the commercial view, that what you really have to have is a place in which to trade. As regards initial capital, the

[The Minister for Commerce and Industry] money is now available to them. Rather than committing it to a building where they may never get a return, they should invest it in a business.

Now, Mr. Deputy Speaker, the Members can help us in this latter approach. If they have this approach, then this competition which is all too much between Africans, the demanding and paying of very high prices for very old shanty buildings, this would actually be reduced. But this can only be done with the assistance of the Members themselves. We would very much like them to do so.

An hon. Member: City Council.

The Minister for Commerce and Industry (Mr. Kibaki): Yes, city council, too. In fact, Mr. Deputy Speaker, when the city council is mentioned, I would like to say that all the county councils in this country have rendered us help. They have been willing to ask their people, the personnel in their department of engineers, to do some valuation on behalf of tenants. In fact, the other day when I was on tour of the Eastern Province, in Meru, Embu and other parts, we did find that the county council officials had helped, as in so many other places. If the hon. Member for Machakos has not received any assistance of that sort from his county council, I think it is only because he has not asked for that kind of help.

Mr. Deputy Speaker, Sir, there is a second aspect on which one has to be careful. It has been mentioned that the rents should be reduced, they must be reduced; we agree that they should be reduced and they should be stabilized, but we, as a House, also have the responsibility of ensuring that the building programme for houses, for shops, for offices, continues. Virtually every person who builds a block of offices or shops in any town builds from borrowed funds. He borrows that money at a given rate of interest and he expects to be able to recover and repay that money over a given period of time. We have to accept that the proper way to go about it is to establish machinery for the assessment of what we call a fair rent. However, that fair rent must be set up to give a return on capital invested in buildings, similar to what one would get if one invested one's money in something else. Mr. Deputy Speaker, if we do not do it that way, then the obvious laws of economics will operate; those that have money will invest it in some other things and not in buildings. The return on investment in buildings should be the same as the return on investment in commerce, in industry, in building a house; it should be similar. It should not be exorbitant, but it should be similar. The

incentive, therefore, for people to invest in buildings must be continued, otherwise we shall be defeating our own purpose; in three years' time we shall have so few new houses, so few premises for traders, that the demand will be so great that the rents will have to go up. Therefore, we have to encourage this programme of building. That is why I have, myself, talked about stabilizing the rents, talked about the assessment of rents, and not about forcing any people to quit this particular field of industry.

Finally, Mr. Deputy Speaker, Sir, let me say this: that despite all the criticism that we have heard from the hon. Member for Embakasi, that the Trade Licensing Act is not working, you only have to speak to the traders—and I have just been on a tour of very many districts of this country—to know that the Trade Licensing Act is working like a bomb. The changes are obvious. To walk into a town like Meru you feel really encouraged and exhilarated because all of the trade is being taken over by local people from there, and they are doing extremely well. I know that in Nairobi the change is very perceptible because I, myself walk in these places and visit these people and talk to them. They come to me for the obvious reason that I represent part of where they live. We therefore, know it is working. What is required now is, of course, to prepare for its continued operation and to remove the obstacles which have been seen here.

Mr. Deputy Speaker, I think this is the right occasion for us, as a Government, to make the very obvious statement which is not a warning and is not even a threat to anyone; that we have in this country some citizens of non-African origin who really seek to cash in on this situation. These people have the money and they see these buildings are up for sale today and they are able to pay much higher prices than any Africans whom we have around, and they see that the demand for these premises is bound to continue to be high, and that the return from their investment is going to continue to be very high, and there is a very serious effort by quite a few of them to buy very many of these buildings and to deny opportunity to those who do not even own one. We have to be very careful about this situation in this regard, that the equality that we talk about as between citizens cannot ever be achieved if we have such greedy people within our midst. Whereas the Constitution, therefore, guarantees equality of treatment between citizens, I do not think that any of our rich citizens should deceive themselves that those parts of the Constitution, and everything else, can continue to be given the respect they must be given if some people think that they are permanently deprived

[The Minister for Commerce and Industry]

of the opportunity to make a living, which they feel that they can make and they have the means to make. Therefore, the duty of these citizens, particularly those of non-African origin, who are well-off because of history, is that they must co-operate; they must see to it that the stability we seek will only come when there is a fairer economic distribution of the income of this nation.

Mr. Deputy Speaker, Sir, I very much support the amendment and I hope the Member for Embakasi will also support the amendment to this Motion.

The Deputy Speaker (Dr. De Souza): The only real amendments, as far as I can see, is to insert that the House urges the Government to make inquiries rather than appoint a Select Committee. I will now propose the question.

(Question of the first part of the amendment, that the words to be left out be left out, proposed)

(Question of the first part of the amendment, that the words to be left out be left out, put and agreed to)

(Question of the second part of the amendment, that the words to be inserted in place thereof be inserted, proposed)

(Question of the second part of the amendment, that the words to be inserted in place thereof be inserted, put and agreed to)

The Deputy Speaker (Dr. De Souza): I am afraid that the time for the Mover to reply has already come and so I will propose the question of the amended Motion.

(Question of the Motion as amended proposed)

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, in view of the seriousness of the statement that the Minister has just made, would it not be in order for me to ask you to give us at least another 20 minutes on this Motion?

The Deputy Speaker (Dr. De Souza): No, I think it is a bit late. However, I think the Minister has covered everything that could be covered and I do not think there is anything he said— Besides, Mr. Karungaru will have the chance to reply and there seems to be overwhelming support for the amendment and so I do not think it is necessary, as we have other Motions to deal with.

Mr. Karungaru: Mr. Deputy Speaker, Sir, I would like now to reply, very briefly, to a few of the points that hon. Members have made in this House.

Mr. Deputy Speaker, first of all I would like to thank the Members who have contributed on this Motion, and I would also like to thank the

Minister who shares the same opinion as some of us. However, I have a little quarrel here, and that is that this Act was enacted in 1965. Counting from 1965 until this moment, it is about four years. I fail to understand why the Minister is supporting the Member for Nakuru by amending the Motion because the Government has been sitting on this amendment fully knowing that our people have been exploited. Taking into consideration what the Minister has told this House today, and also what the Attorney-General has told this House today, I fail to understand why today they think it is necessary to amend the Motion so that it merely urges the Government to do something, whereas the Government has seen all these problems and has been unable to help our people. This is why I have this quarrel with the Minister who has responded to this Motion.

Mr. Deputy Speaker, I have been thinking that the Minister for Commerce and Industry is with us in that he understands all the problems facing us. Instead of waiting until the last minute, when everything has gone completely out of control, he should have helped our people earlier. I fail now to understand why he has been sitting on that very hot place without knowing that one day he will be asked to leave that place for another person.

However, Sir, since the Minister has accepted the Motion, I sympathize with him and I hope that he is going to see that the Motion is implemented. We have been told many times in this House by some of our Ministers that they are going to do this and they are going to do that, only to find that in the final analysis they do nothing. We may even be told today that this amendment will be brought before we go into another recess. This should be known because it is not a new thing; we have been told many things of this kind only to find that we do not see anything moving. We do not want things to stand still; we want things to move. If we are to help our people, we must act and not just speak. Of course, since we have already told the Government of our intention, we hope it will do its best.

Now, Sir, as for what the Attorney-General said in this House, I think he was a bit confused. I fail to understand why he brought up the question of shanties and other irrelevant matters into this Motion. When we are seriously speaking in this House, I fail to understand why a man of the Attorney-General's calibre and integrity does not understand why we are arguing in this House. I sympathize with him because he is not a representative of any given area, and that is why, perhaps, he fails to understand our requests.

[Mr. Karungaru]

Mr. Deputy Speaker, I would like to come to the other point which the Minister raised; and I have this to say. The Minister already knows that in Nairobi the Trade Licensing Act is not implemented in the manner that all of us anticipated. This is a hard fact. We go to River Road, we go to Government Road, we go to other places—and he knows the reason behind it, why they find it difficult to implement; this is because the landlords are demanding higher and higher rents. The Ministry has known this for a long time. I fail to understand why the Minister sat on fire.

Mr. Deputy Speaker, I do not think it is necessary for we Back-benchers always to come to this House to tell the Government what to do. If the Government is aware of what is wrong and what is required, why can Government not do something about our people. I have told the House earlier that we do not want red tape laws and I am still insisting that there are some laws which are not necessary even within the Ministry of Commerce and Industry. These laws are helping more of those who have, and they are not helping those who do not have at all. We do not want laws which are of a discriminatory character; we want laws which are impartial and which are helpful to all. We do not want discrimination of this form, and he has agreed with me that this Act that we are speaking about today should not have been known as the Landlords' and Tenants' Act, it should have been known as the Landlords' Act, because it is an Act that favours the landlords. This is not an Act which is in favour of the tenants; and so, why should it have the title of the tenants whom it does not help at all?

The Minister for Commerce and Industry (Mr. Kibaki): He is the president of the tenants.

Mr. Karungaru: I understand that he is the president of the tenants and I am glad that the president of the tenants is here, but I think that perhaps he enjoys seeing our people being frustrated. I hope that he has now been aroused; we want to see your action and we do not want to hear that you are the president, a president who is not acting.

Mr. Deputy Speaker, we are not people who wear blinkers and we do not want to wear blinkers so that we only go where we are wanted to go. We are here to see that whatever we do here is in favour of our people, and not in favour of just a few people whose sole interest is to exploit our people. We have been exploited enough and I think it is time that some of these people who have been exploiting us should about-turn and let us enjoy what they have been enjoying.

Mr. Deputy Speaker, I have heard some of the arguments which were brought up regarding the old buildings. The Minister has not told us whether in the amendment they are proposing to bring before the House here that they have taken care of that one. We cannot say that a suit that is worth now Sh. 500 after three years it will still be worth that money or more. We fail to understand this logic. The Minister has been a student of economics and I believe he knows that if something, when new, is worth, say, Sh. 500, when it is old it is not worth that money. I fail to understand why rents for some buildings which were built in 1902 are still going higher and higher and higher. Perhaps the old people are now going to be made to look younger and younger and younger.

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

(Question of the Motion as amended put and agreed to)

Resolved accordingly:

THAT, in view of the present discriminatory attitudes being practised by some landlords throughout the Republic against Africans either by denying them the opportunity of renting premises or by demanding exorbitant rents, this House urges the Government to inquire into these prevalent malpractices with a view to restricting the demand of exorbitant rents, and possible amendment of the existing Trade Licensing Act, Rent Restriction Act, and any other relevant law.

MOTION

PRICE OF MACADAMIA NUT TREE SEEDLINGS

Mr. Kathanga: Mr. Deputy Speaker, Sir, I beg to move:—

THAT, in view of the fact the Government has accepted the macadamia nut as another paying cash crop to be introduced into this country and again considering the fact that one farmer on the Thika Road is holding the entire monopoly of growing the seedlings of this cash crop and also noting that he sells one seedling very expensively because of this monopoly, this House calls upon the Government to allow and encourage the co-operatives and any other farmers interested in growing these seedlings to do so, in order to eliminate the monopoly by this one farmer and to reduce the selling price by competition between these farmers.

Mr. Deputy Speaker, Sir, this is a straightforward Motion. Therefore, I would not be wrong to suppose that the Assistant Minister for Agriculture will put it into effect. Mr. Deputy Speaker,

[Mr. Kathanga]

Sir, when I was speaking in the debate on the Presidential Address, I stated without reservation that the Government has introduced a new cash crop by the name of the macadamia nut. I also stated that the seedlings of this important cash crop are at present being grown exclusively by one farmer. Indeed, I expressed my disapproval. This is simply because it is a matter of giving a monopoly to one person. As a result of this monopoly, this farmer sells a single seedling very expensively, for your information, Mr. Deputy Speaker, Sir, when this farmer started growing these seedlings he was selling each one at a price of Sh. 8 to Sh. 9, I understand that since I put a question to the Minister for Agriculture in this House, he has reduced the price from Sh. 9 to Sh. 6 and Sh. 7. Mr. Deputy Speaker, Sir, I consider this to be one of the greatest exploitations against our people by a single farmer who is a foreigner. This is simply because these prices are exorbitant. In view of that, something must be done.

Mr. Deputy Speaker, to that end, I would like to suggest what should be done. This will in itself benefit our small-scale farmers or our peasant farmers. I am sure the Minister will try to convince me that this is a specialized work and therefore, our people are not able to establish their own nurseries. I would like to point out to him that when coffee was introduced in this country by the colonialists, Africans were told that they would not be able to grow the crop. This was simply because they were Africans. At that time, the colonialists took Africans to be *bure* and primitive. Mr. Deputy Speaker, I would like to state openly that today the best coffee is grown by the Africans. If that is the case, I do not see any reason why they cannot do likewise with regard to macadamia nut cultivation.

Mr. Deputy Speaker. Sir, I would like to make another point. I think it would be advisable for the Government to help co-operatives and individual farmers who are interested in the importation of macadamia seeds. This should be done with a view to establishing their own nurseries in the country. By so doing, our peasant farmers will be able to buy the seedlings of this important crop very cheaply. At present, they are unable to buy seedlings, because of the prevailing exorbitant prices. I have already cited this issue. Mr. Deputy Speaker, Sir, the Government can do this very easily by using some of its own agents for that purpose. For example, the Government can use the Kenya National Trading Corporation for the importation of these seeds. They can, in turn sell them to the co-operatives

and farmers who would like to establish nurseries. After growing these seeds in the nurseries, they can sell them to our farmers. Mr. Deputy Speaker, Sir, in order to speed up the growth of this cash crop which will obviously be of economic advantage and which is a way of diversification of farming activities in this country, as has been outlined by the Government, it would be advisable to follow my line of argument on this issue.

Mr. Deputy Speaker, I understand that this farmer in question started to grow macadamia nut seedlings some time back in 1964. Up to now, he is still going on with this business. He has up to now grown about 600,000 seedlings. They have yielded him over Sh. 4,000,000. This is really a surprising thing, Mr. Deputy Speaker. This in itself implies making a person a millionaire within a fortnight. I have never heard of a person who became a millionaire within a fortnight. I cannot understand the person who made all these arrangements. This is simply because, I understand, there was a propagation nursery of macadamia nut seedlings at the Government Research Station at Thika. We don't know who stopped that nursery, and why he did it. Mr. Deputy Speaker, it may be that the person who did that in the name of the Government did it with a view to giving a chance to that person to exploit our people by making him a millionaire within a day.

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

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

Mr. Speaker, Sir, I am really surprised. If the Assistant Minister for Agriculture rejects this Motion, I will provoke it from another corner, thus making it more difficult for him to reject it completely.

Mr. Speaker, I understand that, today, nobody is allowed to buy the seedlings from that nursery without a written permission from an agricultural officer. Why should the Government be interested in such an affair? This is why we are bound to believe that they allowed this person to establish this nursery in order to exploit our people. Mr. Speaker, Sir, I am sure the Assistant Minister will accept this Motion.

There is also another point which I would like to discuss. When the Government stopped the established nursery at Thika, why did it not find it necessary to establish another one if it can possibly be claimed that the nursery in question was stopped due to climatic conditions? Why did it not find it necessary to establish another one? Mr. Speaker, Sir, this is extremely bad.

[Mr. Kathanga]

There is also another point which I consider to be very important. I understand that the Minister for Agriculture is busy with negotiations with a certain company at Thika. These negotiations are aimed at giving the company in question the right of processing and marketing the crop. For the information of the hon. Members of this House, I regret to say that that company is a foreign company. If the handling of the crop is going to be given to a foreign company, whereas I know there is a company run by *wananchi* which is interested in the said agency and which is capable I deem this to be very bad. When the Minister for Agriculture attended a co-operative leaders' conference held in Nairobi recently on 21st and 22nd of this month, he told them that he was negotiating with a certain company by the name of the Del Monte Company. This company owns a cannery at Thika. Mr. Speaker, Sir, I would like to state quite clearly that there is another organization by the name of Kenya Planters' Co-operative Union which is owned and controlled by large and small-scale coffee farmers. Many of them are members of co-operatives. It should be given the right of this agency, if we really intend to help the co-operatives. Many farmers who are beginning to grow this crop are members of co-operatives. When co-operatives and farmers who are interested are allowed to establish nurseries the farmers will be able to buy the said seedlings cheaply instead of them being exploited by one farmer.

Another thing, Mr. Speaker, is that there is something wrong with Government planning at Thika, and I think this point is very important. The Ministry should establish research stations to sample different varieties of macadamia seedlings for recommendation in various districts in the Republic.

I have made it clear in this House, many times, that coffee is becoming a *bure* cash crop, and we are lucky that the Government has agreed to introduce this new cash crop. The Government should work hard to see that every district benefits from this important crop, because it is only by doing so that the peasant farmers in our rural areas can benefit.

Mr. Speaker, Sir, I do not intend to make a very long speech because as I said right from the beginning, this is a straightforward Motion and I am very optimistic that the Assistant Minister for Agriculture is going to accept it so that our people can benefit from it.

Without spending more time on this Mr. Speaker, may I ask my Seconder, Mr. Kioko, to support the Motion.

Mr. Kioko: Mr. Speaker, I rise to second the Motion.

Mr. Speaker, as the Mover has said, this is a very straightforward Motion which asks the Government to break the monopoly held by an individual who is enjoying the butter while the Africans who are growing this macadamia nut crop are not.

Mr. Speaker, Sir, in my opinion, I think this is a very genuine Motion which the Minister for Agriculture should consider accepting without any amendment. This is simply because here you can see that we should not allow, as it is the policy of the Kenya Government that nobody should be allowed to enjoy all the privileges while others suffer. Therefore, in view of this, I feel what we are asking the Ministry of Agriculture—which is responsible for this—to do is to break the monopoly. Africans who grow more than 95 per cent of this crop should be given the priority to have their own nurseries so that they will be able to plant these seedlings.

Mr. Speaker, Sir, as the Mover of the Motion has said, it is clear that this gentleman has been charging too much for these seedlings. They are too expensive, Sir, because when you consider that after one has bought a seedling for Sh. 9, and while one is taking it home, the chances that it may die before it is planted are very great.

I am very thankful that the Mover decided to bring this Motion to the House so that we can tell the Minister what is in the minds of the people. We have learnt that there is exploitation by this gentleman who was given this monopoly.

Mr. Speaker, Sir, I thank the gentleman who established this nursery in the country, Mr. Harries, and I feel that he did a very good job. But the time has come when he should allow others to enjoy the benefits from this very important crop which he has enjoyed for the last four or five years. He, as my colleague said, has made quite a lot of money. I am not quite sure, but I think he has made almost Sh. 6 million and even if it were two or three million, to be frank, I think this is a lot of money he has enjoyed from us, at the expense of the Africans.

Mr. Speaker, Sir, those who grow this crop are mainly Africans, members of the co-operatives, and I think it is high time the co-operatives were given an opportunity to establish the nurseries through which they will be able to sell cheaper to the members of the co-operatives. This is very important, Mr. Speaker, Sir, if we want to help the Africans.

[Mr. Kioko]

Mr. Speaker, Sir, another point I would like to raise on this is about the handling and marketing of this crop. Mr. Speaker, I was very much disturbed when I heard the Minister for Agriculture was negotiating with a foreign company to handle and market this crop which is grown by the Africans. This, Mr. Speaker, is absolutely absurd. I felt he was not following Sessional Paper No. 10—on African Socialism—which declares the sharing of wealth to all and not to a few. Mr. Speaker, Sir, what do these foreign companies have to do with the crop which is grown, looked after, and reaped by Africans who should, therefore, get all the butter or cream? This, to me, Mr. Speaker, Sir, was a very serious proposal and I would like to warn the Minister for Agriculture that the time has come when the Ministry of Agriculture should be fully Africanized. There should be an African way of thinking in the Ministry, because it looks to me that there does not exist the African way of thinking. Mr. Speaker, Sir, how can a crop which is grown by Africans mainly be handled and marketed by a foreign company, whereas we have another organization established and prepared to handle this crop and market it? This organization has made several approaches to the Ministry of Agriculture so as to be allowed to handle the crop, but all in vain. Mr. Speaker, I think it is high time when this Ministry should think in terms of Africans, so that the Africans can be helped.

We know very well that the major industry of this country is agriculture. Knowing that agriculture is our main industry, we should accelerate this all the time; all our efforts, all facilities and goods should be in the interest of the poor, small farmers of this country and not of individuals as it appears the Ministry of Agriculture is trying to direct.

Mr. Speaker, that is the point which I wanted to tell the Ministry. I can see the Assistant Minister for Agriculture is almost agreeing with me. I know well that he thinks in an African way and I am sure that he is going to accept this Motion without any amendment.

Mr. Speaker, Sir, as everyone of us knows, that during the colonial time—and I think we have moved from those days—there was a mentality with some of the Europeans who thought that Africans could not do any good thing. At that time coffee was not supposed to be grown by Africans; I am sorry to repeat that, but now Africans are growing the best coffee in the country. This is a true fact. Therefore, I am sure Africans are going to grow the best macadamia trees which will be healthier than those grown by

my friend who is now enjoying this monopoly. The Africans should be given the opportunity and this is what we are demanding from the Ministry.

These two points are very important; one: we would like the Ministry to break the monopoly; two: the co-operatives should be given—on district level—the opportunity, with the help of the Ministry of Agriculture, to establish the nurseries which will be a cheaper way of distributing the seedlings to the members of the co-operatives. I feel that these two points are very important, and this is what I want to point out and emphasize and also urge the Ministry of Agriculture to accept and take action. It is not the question of accepting in this House and not implementing it. We want the Ministry of Agriculture, plus all other Ministries, to be Ministries of action. The Ministers and their Assistants should be Ministers and Assistant Ministers of action and all of us, too, should be the Government of action.

Mr. Speaker, Sir, these are the few words in which I want to second this Motion, but before I sit down, I will remind the Assistant Minister for Agriculture that we are not speaking against the gentleman who was given this monopoly. He has done a very good job as I said before, because without him, probably today, we might not have had anything to discuss here and perhaps nothing to enjoy. However, I want him, through you, to know that the time has come when he should now give way to allow others to have a chance. He had enough time to do it and I thank him for all he did, and I am sure that he will agree with me that it is high time the Africans enjoyed these fruits of his work as he has enjoyed the fruits of our work.

With these few words, I beg to second.

(Question proposed)

Mr. Mwalwa: Thank you Mr. Speaker, Sir, for this opportunity to say a few words. Before I go on to speak on the Motion, I have one observation to make. I have noticed on several occasions that when the Minister for Agriculture has something concerning the minds of the Africans of this country, he usually does not come to the Chamber but allows his Assistant Minister to come and discuss these affairs with his fellow Africans. This must be due to something wrong that he must have done for which he is not prepared to come and face us, otherwise why does he not come to the Chamber to face us and answer for himself without having to send his African Assistant Minister to answer these accusations? Mr. Speaker, Sir, I feel that there is something wrong

[Mr. Mwalwa]

in this and it is high time he became courageous enough to come and face the Members and listen to their views.

Now Sir—

The Assistant Minister for Agriculture (Mr. J. M. Kariuki): On a point of order, Mr. Speaker, Sir, can the hon. Member speaking now explain to this House how he obtained the information that the Minister for Agriculture has something to hide about this Motion before the House and that is the reason why he did not come to the House? Can he really substantiate that there was something he was hiding?

The Speaker (Mr. Slade): No, the hon. Member was expressing an opinion based on the fact that the Minister is not here on this occasion and, according to his allegation, on other similar occasions. Whether that opinion is rather far-fetched is for the House to judge.

Mr. Mwalwa: Thank you Mr. Speaker, Sir, I think it is high time the Assistant Minister learned our views in this House. Personally, Mr. Speaker, Sir, I have no grudge against anyone, be he a European, an African, an Asian or anybody. But, Sir, when I feel there is something wrong somewhere I cannot hesitate in speaking my mind. As for yourself, as the Speaker of this Chamber, we know how much work you have put in this House and that if we were to elect another Speaker, without fear or hesitation, we would re-elect you. I am sorry to say this but I am trying to prove that somebody, whether he is a European or an African who is responsible, provided he does his work properly, this House is prepared to accept him for his good service. Sir, I am going to say that as long as we have the present Minister as the Minister for Agriculture, this House will continue to complain about his deliberation not because he is a white man, but because, naturally, we feel that he has some inclination towards his white-skinned men than to us. Therefore, I am saying that whether he is a citizen or a non-citizen, I feel that he is somehow inclined to show some sort of favouritism to some of his people.

Mr. Nyagah: On a point of order, Mr. Speaker, Sir, I would like to know through you whether the hon. Member speaking now is strictly speaking to the Motion on macadamia nuts or speaking on something else? Is he on the Motion?

The Speaker (Mr. Slade): I have been wondering about that too, but I think he is making the point that the Mover made, that this farmer who appears to have the monopoly in growing seedlings has been favoured by the Ministry in being allowed to continue with that monopoly; and, unfortunately, the farmer and the Minister are of the same colour.

Mr. Mwalwa: Thank you Mr. Speaker, Sir, for teaching these tired Ministers.

The point I am trying to make is very clear. If, in this country a certain crop is grown by Africans, that is, if most farmers who grow a certain crop in this country are Africans, then I see no reason why somebody else should be given the monopoly of selling and reaping all the benefits of the crop. I see no reason whatsoever, and I believe the Minister can see no reason for this either. It is because they are employed by His Excellency the President that they tend to be together without being afraid of what the Minister does. Sir, I am trying to say that, naturally, if most of the growers of this crop are Africans, surely, one wonders why a certain individual—and not the majority of the farmers—is allowed to grow and market the crop. It is absurd and I see no point in allowing this to continue.

The Mover of the Motion has shown clearly that the co-operatives are competent and able to grow the crop and market it so that, if they were given the opportunity to grow and market, then they will be able to reap the fruits of our independence. If the Minister is not prepared to allow the co-operatives to grow and market the crop, then there is another alternative. The Ministry of Agriculture should establish experimental farms in the whole country so that these seedlings are grown by the Ministry and then supplied to individual farmers. What is the difficulty in doing this? What I can see here is that the Ministry is trying to favour this one individual to get the benefits which, of course, is not accepted by this House.

Mr. Speaker, Sir, we have given two alternatives to the House for the Ministry to consider. One, to allow the co-operatives or individual farmers to grow and market the crop, and if the Ministry finds that hard because they want to please their friends, then let the Ministry establish experimental farms all over the country where we can have this kind of crop nursed and then have the seedlings supplied to all the farmers so that the farmers will be able to get the benefit. Two, if they fail to do that, they should not give the marketing of this crop to this gentleman. It should go to the Maize and Produce Board which is a governmental organization, so that the money gained out of this will go into the hands of the Government as well as those of the African farmers in the country. So we are asking the Ministry to accept one of the three alternatives. The marketing side of it should go either to the Maize and Produce Board or to the co-operatives; at least let it go into the hands of the African farmers in one way or the other. This is exactly what we are asking this House for, and I am sure

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the country is not going to allow this monopoly to be given to only one individual. In fact, Sir, one wonders why this is being done when the people in power in the Ministry are Africans; it has African Assistant Ministers, African agricultural officers—all these big shots in the Ministry are Africans, and they should not let these things go that way. This is against African Socialism.

Mr. Speaker, if they are going for capitalism, then let us be told this morning. Let us be told if the Minister and the African Assistant Ministers are following capitalism, why they want to make one individual get richer and richer every day. Let us be told if that is what they have in mind. I see it is not what the Assistant Minister has in mind. His big boss may have that in mind, but I do not believe that the hon. Kariuki will support that one person should be allowed to accumulate big wealth.

So, Mr. Speaker, I am asking the Assistant Minister to straight away accept the sentiments and ideas given to the House this morning about the macadamia nut.

With these few remarks, Sir, I am asking the House and the Assistant Minister to accept, without amendment, the Motion as it is, in order that we can carry out African Socialism in the proper sense.

The Assistant Minister for Agriculture (Mr. J. M. Kariuki): Mr. Speaker, Sir, I have decided to rise at this juncture in order to clear the air. The Ministry of Agriculture is sometimes being accused by the hon. Members of certain things which those same hon. Members do not first of all check before they make their statements.

I would like to say, Sir, that the Ministry of Agriculture has no objection whatsoever to any person or co-operative society that is interested in growing macadamia nuts. They can go ahead and grow that.

We must, however, point out to the hon. Members of this House that they should bear in mind the following points. First, I want to give them the names of the places where they can go and organize their co-operatives in order to get the macadamia nut, rather than going and getting it from the gentleman in question. We started first a horticultural research station at Thika in 1964; but this, as the hon. Members said, was later on discontinued because there was lack of initiative from the farmers at that time. So this was closed down.

Now, seedlings are also available from A. I. R. Harries and Sons of Thika as the hon. Mover said. Well, people can continue going there and getting

the seedlings from him. I do not agree with the Members at all in what they said—that we should stop him from selling in order to give this right to the co-operatives. You must allow any farmer, who wants to do so, to continue selling to other farmers. It is not the intention of my Ministry to stop Mr. Harries from selling the seedlings at all.

The other point is that the hon. Members can advise their co-operative societies that there are available some of these macadamia seedlings at the farm of Mr. H. A. Bonker of Kitale. Farmers from the Rift Valley and other parts of Kenya who would like to continue planting macadamia nuts can continue buying the seedlings from this gentleman. So it is not in monopoly of one person.

Then we have a nursery at Wundanyi in Taita which is selling seedlings to the local people at a lower price: that is in the region of Sh. 3 to Sh. 4 per seedling. Since the Minister for Agriculture tried to introduce the growing of macadamia nuts, production as a cash crop on this to many farmers and on the basis of bulk supply, the prices of the gentleman mentioned by the Mover of this Motion have been reduced slowly. In 1965 it was Sh. 8; in 1966, it was Sh. 7/50; in 1967, it was Sh. 6 and in 1968 Sh. 5; and now, in 1969, small seedlings are available at Sh. 4. So you can see that it is between Sh. 4 and Sh. 5 at the moment. It is very clear, therefore, that Mr. Harries has no monopoly whatsoever of supplying macadamia nuts in Kenya, and the price per seedling has been reduced quite considerably over the years.

The point to note here is that our view is that this is the only source of reliable supply at the moment, tested for good quality and also good yield. He has faced a lot of difficulties as the Seconder of the Motion has said, and has lost quite considerable funds in establishing his business, to plan and plant ahead. In fact, he is entitled to some sort of reasonable return from his toil. As the hon. Member mentioned that this gentleman is now a millionaire, well, what do you mean by a millionaire? A millionaire is a person who can make a million shillings. That gentleman has not actually netted more than £13,000 or £15,000 over the years. This is because he has sold 394,000 seedlings and we reckon that over the period of four years, if you calculate this properly, he had something like £100,000. Therefore, this is not more than Sh. 2 million. If you take away from this amount all his expenses which we reckon is in the region of about £85,000, then you will definitely see that he is not left with more than £15,000. I do not think that we should sit here and try to discuss

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about a person who has introduced this very important crop in this country, and try to discredit him. We should also give him credit for what he has done. What this Motion is asking for is to allow other people, the co-operatives, to plant and the Minister has no objection to this.

The Ministry will even go so far as to help these co-operative societies by giving them loans to plant if they can. They should, however, bear in mind that a bad nursery, or bad macadamia nuts which are not properly looked after, end up in failure. Thus the individuals and the co-operatives might end in not getting good returns. That is why we would like the farmers to continue buying them from a reliable place because we have said that if a co-operative can produce a very good nursery, then there is no reason why the farmers should not buy from them.

The hon. Mover made a very interesting point, that we continue buying seeds from abroad through the Kenya National Trading Corporation. What is the necessity for that, Sir, when we had seedlings in this country? There is no necessity whatsoever of bringing more seeds from abroad through the Kenya National Trading Corporation. What I would like the Members to understand is that once we bring anything through another institution, there is definitely a commission charged and that will help to raise the prices. The Kenya National Trading Corporation is not going to do this work on charitable grounds. They must charge some percentage and this percentage will be passed on to the farmers. In this way the price will go up.

So I would like the hon. Members to press on the point of co-operatives establishing better nurseries and then sell to the farmers. Sir, we are not refusing this, we are not rejecting this idea. I would like everyone of us to appreciate what this gentleman has done over the years because by concentrating on the problems of this nut, the farmer has acquired some considerable expertise in this specialized subject. In any case, Sir, this same farmer has, for many years, been quite outstanding in many ways, being one of those first people to introduce macadamia in this country. After careful study, the Department of Agriculture was particularly interested by the nursery techniques this farmer has, and the care with which seeds are selected, and with which seedlings are being treated to and including the time of collection by planters.

Now, Sir, the Ministry decided that in view of the fact that this farmer possesses the only major source of selective seed in the country and

because of the particular of their nursery work, that the quickest way of establishing this crop in the country would be to encourage the farm to produce as much planting material as possible. I have just explained to the Members that he has sold over 390,000 of these seedlings. Investigation has shown that this would be the quickest and the best method of establishing other macadamia nurseries in the country.

We would like the period to be reduced. To reduce the period of planting macadamia nuts— It is not a very simple thing to plant this nut and expect the yield in three to four years. It is going to take more than that, approximately seven years. In some cases, if you plant it badly, then you will definitely get poor yields from your nuts. So, there are lots of things which need to be looked into. We are not objecting to the hon. Member's Motion, but all these facts have to be looked into. These are the facts. I believe that we in the Government will continue giving loans and advice to the farmers.

Mr. Speaker, I would like to say, also, that the Ministry tried some time ago, two years ago, and they imported about £5,000 worth of seeds. We have now come to realize that it is only 16 per cent of the total seedlings which germinated. So you can see that a co-operative can invest a lot of money, but if it is not properly looked after, there is a possibility of losing money. This is not what the hon. Members want. If we lend money to the co-operatives, then we expect this money to be repaid so that we can, in turn, lend it to other people. If you get bad seeds, there is a danger of losing some of the seeds. That is not what the hon. Mover of the Motion wants.

I would like to say here that the cost of per acre of establishing macadamia nuts is not so high when you compare it to tea. Macadamia is about Sh. 500 per acre whereas tea is over Sh. 1,000 per acre to plant. So, I would like the hon. Member and other Members of this House to go and explain to their people who are interested in planting macadamia nuts that there are loans available today to the small-holders to meet half of the cost of seedlings. That is, if one acre is Sh. 500, then the loan is Sh. 250 to plant macadamia nuts. He must be prepared to provide the other Sh. 250 himself. If it is a co-operative, there is also the possibility of giving this loan. So, there is no use somebody accusing the Ministry of Agriculture and saying that it is sleeping or that the Minister has something to hide. No. We are saying today—and I challenge the hon. Members to go and tell their constituents that the money is ready—that instead of challenging the Ministry they must take the initiative of

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informing their people that loans are available for the planting of these macadamia nuts. The trouble is that instead of some of us going and telling our people this, we will forget all about this as soon as we get to our constituencies. Thus nobody will know about the opportunity of loans. May be, Sir, the hon. Member who is saying, "Question?", will not be able to explain to our people that these loans are available. Quite a number of our people do not, in fact, read the newspapers; they do not understand these. So I believe it is the responsibility of the hon. Members to go and talk to their people in meetings and explain to them that these loans are available.

Due to intervention of Government, the price of seedlings, which was originally Sh. 6, has now been reduced to Sh. 5. So it is also good to explain to the people that the price has been reduced to Sh. 5.

To sum up, Mr. Speaker, after careful investigation, the Ministry of Agriculture has come to the conclusion that the quickest, safest and most economical way of developing the crop rapidly is to use commercial nursery facilities available because it is the only major source of seed in Kenya, and of proven excellence. Now, nevertheless, there is nothing to stop anyone who is interested in starting a nursery from doing so. However, Government feels that that person would meet many difficulties. If he is strong enough, bold enough to start this, then we will support him financially.

Now, the present cost per acre is not high, and even loan funds made available to date have only been for cash transactions, that is, the supply of planting materials to-date can be sold for cash. The Government welcomes the initiative of one of its citizens who feels he can manure the crop; if by his efficiency there is some reward for him, then the Government feels he is well entitled to it. He is, however, not asking for any reward for pioneering this very important crop. This is an incentive to everyone to emulate his good example.

Mr. Speaker, Government is, therefore, not keen that undue publicity should be given to this development. This is, and I must say now, due to fear. We fear restrictive counter-action by present producers and stimulating production in other countries. So, the less said about the whole subject, the better, especially about the programme.

If hon. Members do not know, Mr. Speaker, there is another country known as Hawaii. This is the only major producer in the world today and they are estimated to have only about 5,000

acres or so in production. So, what we are aiming at in Kenya, is that our farmers will be able to plant about 12,000 acres. That is, within the period of four years. No doubt this would worry Hawaii if they know that we are moving very fast into planting 12,000 acres; there is no doubt about it. The nut is very highly priced. In fact, it is the most expensive nut in the world and that is why we presume that even Hawaii, with its high lands and labour costs, can grow at a very high price. So, if we come in with lower costs and as many producers, we might not have very serious problems when competing with Hawaii.

I said the other day that some of these countries are moving very fast into producing many cash crops that our country can grow. I said that because, as you know, today our coffee markets are monopolized by South America, our tea markets monopolized by Asia, our rubber markets by the Far East. Therefore, you can see that there is very little left for us in Africa. So, I feel that once we move into the planting of crops like macadamia nuts, then we would like to do it quietly. This is another crop which is now coming into the field and there should not be a lot of publicity about it, lest other countries will jump to it when we come to the word "competition".

So, Sir, since production is so small and the price so high, and the nut is known only to a small number of people, there is an enormous potential for market development in United States and Europe. There are no marketing difficulties whatsoever at the moment.

The present price for these nuts is in the region of Sh. 2 per pound, and even if it goes down to Sh. 1 per pound, and the production is only 15 pounds per tree, at population of about 100 trees per acre our return will be Sh. 1,500 per acre. The actual figure is not known accurately as yet because, you see, we have not been able to ascertain with those people who have planted in previous years what the yield is. However, yields of 120 lb. per tree have been recorded, and 15 lb. average is considered a very pessimistic figure indeed. So the cost of production, once the tree itself comes into bearing, is very small, but it will help to keep it properly weeded and also to pick up fallen nuts from the ground. As you know, you do not climb the tree in order to pick, you have to wait until the nuts fall and you collect them.

So far there are no serious pests or diseases as we have encountered with coffee. Therefore, we feel that the nut has a very hard shell and, like the cashew nuts, this needs to be processed in a factory.

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The Ministry of Agriculture is presently considering the best way of setting up processing facilities to maximize profit from the nuts. So there is a very good market for unshelled nuts. That is why somebody mentioned that Del Monte is going to be given the monopoly. Del Monte are very good in organizing the markets abroad. In fact, I believe that the co-operatives will need a good organization to get the markets abroad which will be able to process their nuts. So, there is no use trying to cross the bridge before you come to it. I would like the Members to be patient at the moment because this organization has all the market facilities. This is a joint venture between the Kenya Government and the Del Monte group. The Kenya Government and the Del Monte group at present have a good organization which is processing the pineapples: not macadamia at the moment. Members should not think that we would like to prevent the co-operatives from establishing a factory in future. If they have the ability to do so, and if they can sell abroad, well and good; there will be no problem. However, this organization is well known in the world for its good market resources.

It is estimated that approximately 4,000 acres have been planted over, and 2,000 of this over small-holdings, predominantly in certain regions of East and Central Province. Now, development of these areas started spontaneously because they were near the nursery and because the Agricultural Department was sure that the crop would do well in those areas. From 1968 onwards, the Department of Agriculture decided to devote this crop entirely to the small-holdings sector of the farming industry and only allow planting on other farms if this, latter, did not take up all plants on offer. This is where another challenge comes because hon. Members must also tell their own areas, their people, to take the quantity allowed to them in the small-scale areas, because the Ministry has now tried to change the scale a little bit by preventing the large-scale farmers from producing more and has given the opportunity to the small-scale farmers. All available plants were taken by the small-holders but, in fact, the demand was greater than the supply at that time. The future programme is for the planting of 3,000 acres of this crop per annum, for ease of organizing this large-scale operation because it had been proved that the crop would grow there. Initial plantings were concentrated in the provinces adjoining the natural acres and it is now under consideration where else the crop should be planted. Therefore, coffee co-operatives are playing a major part in the ordering, trans-

porting and distributing of the planting materials. If they want to continue doing so, or if they want to start nurseries in their own areas because they feel that the cost of transport is very high indeed, they are at liberty to do so and the loans are always available.

The problem, Sir, is that once we tell the Members that the loans are available, we accept that the loans are available, but when they go back they do not even tell their constituents that the loans are available. Now we do not have to talk about the 50 per cent; and so, why can they not go and tell their own people that the loans are available and they can get Sh. 250 to plant this.

Sir, it is very important also for the Members to check with us in the Ministry because, after all, we are employed by the people to do the job; we do not employ the people, they have employed us. It is the farmers who have employed us in the Ministry of Agriculture and they should come to us as we are prepared to listen to them. Also their representatives, let them come if they find some problems because we are always prepared to assist them.

With these few words, Mr. Speaker, we have not rejected the Motion at all.

The Minister for Natural Resources (Mr. Nyagah): Mr. Speaker, Sir, I thank the Government spokesman for replying and accepting the Motion. I appreciate the deletion of the word "monopoly" from the Motion—or the allegation or accusation that this Motion implied—but the reply has left me a little confused as a rural farmer and a rural Member.

This is no criticism on the part of the Ministry of Agriculture, but I sometimes wonder whether there is close liaison between the wing that the hon. gentleman before us represents, and the technical wing of the Ministry. We have had experience, as rural smallholders, of an answer given, an assurance of this kind, and when it comes to the actual marketing of the produce or the crops that has been so well praised, we have been confounded. Pyrethrum is one example, wheat is another, cotton is another, and pineapples and several others. And so, what I would like to put to the Ministry of Agriculture is this: while macadamia is a good cash crop, have they made quite certain that there is a proper market for this crop? Are they going to say, because they have made so much noise about the monopoly and co-operatives trying nurseries, that they want us to go ahead and plant in the co-operatives, only to find that we have committed our smallholders to the planting of this nut which cannot be marketed? Can the small farmer be assured that when he has planted this nut it will

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be the proper nut and it will not be like a kind of pyrethrum which has only a little pyrethrum? We do not want to be told after this thing has been growing for seven years that it is not the kind of nut that the world wants.

What I would like to put into the heads of the Ministry is this: instead of encouraging the ordinary farmer to take the loan, they should encourage the co-operatives to take the loans to buy at a good price and not at Sh. 5. The reply was that it was Sh. 4.

The Assistant Minister for Agriculture (Mr. J. M. Kariuki): Sh. 4/25.

The Minister for Natural Resources (Mr. Nyagah): Sh. 4/25; well, that is better because, Mr. Speaker, two months ago I bought this stuff at Sh. 5; and yet I belong to a co-operative society which should be helping me as a member of the co-operative.

What I was going to say, Mr. Speaker, is that the Ministry should encourage the co-operatives to take a long-term loan with a possible guarantee to write it off if the market for this crop does not prevail. If we are encouraged, as a co-operative, to plant this material at a very high cost, and the co-operative society has committed a lot of money on it, it will be very bad if we find no market, and it seems to me that the members of the co-operative will lose because of bad advice.

Therefore, Mr. Speaker, I would strongly advise members of the co-operatives who plant this stuff to pass in their general meeting—if the hon. Mover would agree—that the co-operative societies should approach the Government for these loans with a possible write-off if things go wrong later so that the price is lower than Sh. 4, and also that the marketing side of it should be very, very carefully looked into. This is no slight on the Government or on the Ministry of Agriculture but, as I say, we have seen experience when we have gone all out to plant something and then things have not worked out well. Some of us find it difficult to preach what is going to be planted. I opened my mouth so widely the other day about cotton in Eastern Province, and I am now going slowly, I am dragging my feet, because things have not worked as we said. Therefore, in this respect, Mr. Speaker, I have that to observe.

Mr. Speaker, another point which I would like to leave in the heads of the Ministry of Agriculture, is that macadamia nuts—I am told and we are advised—take quite a lot of space; I believe it is about 25 feet by 25 feet. Therefore, very few trees can be planted in an acre. How many to an acre?

The Assistant Minister for Agriculture (Mr. J. M. Kariuki): 100.

The Minister for Natural Resources (Mr. Nyagah): 100 to an acre. If a small farmer who has about five acres plants 100 trees which will bear fruit in seven years—these trees grow into big trees—he will find it is very difficult to cultivate part of his ground, and the end result is that you are committed for seven years. If we are going to commit our valuable land for such a length of time, we must be very careful about the prices and the marketing of this crop. Therefore, a proper survey of the growing and marketing of this crop needs a lot of care. I have no grudge against Mr. Harries himself or the other growers, but the price is high and it should be reduced. This is where the Government should come in with giving loans to the society, so that they can purchase this stuff and sell it to the growers at a lower price. Also, the Government should advise the present growers to reduce the present price. It can be reduced. If this man has sold 4,000 trees at an average price of Sh. 6, or, let us make it Sh. 5—we know it was Sh. 8 and now it is Sh. 4—if I multiply 4,000 by Sh. 5, this is about *shillingi milioni mbili*; Sh. 2 million, which is more than £13,000, he says. So I think this gentleman should be advised to lower his price. This will be his contribution to nation-building.

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

Mr. J. M. Koinange: Mr. Speaker, I do not want to speak very much on this Motion which talks about monopoly. Mr. Speaker, you know very well, and the Minister also knows, that in our country, a few years ago, say, in the 1950s, there was a monopoly in this country in regard to cotton. It was part of this monopoly that brought about the chaos in this country in relation to coffee. We should be very careful when in this House when we bring matters that talk about monopoly. We know that there are some experts who would advise us that So-and-so has the know-how to do this or that.

A few years back, Sir, our people in Nyeri were advised to rear pigs. I would like the Minister for Agriculture to hear this. After the people had wasted all their time on this, then the pigs could not be taken to the bacon factory here. This means that they wasted quite a lot of their time and labour on this. Why were the pigs not taken? Because there were other people in this country, the Europeans who, we understand, knew how to rear pigs better. There was much chaos in Nyeri as a result of this.

Now, Mr. Speaker, we have this macadamia nut. If the Government wants these few Europeans to grow them, then I would say there are

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many kinds of macadamia nuts. It is not only this type that our friend at Ruiru is growing, there are so many other types. Why, then, not give us these other types, and let our people grow them. Thus we can compete with the Europeans.

The other thing, Mr. Speaker, is that we have a Government experimental farm at Thika. Why should the Government not grow these nuts there and sell to our people? There are people who are engaged, expert Europeans and African agriculturalists, who could look after these trees and then distribute or sell them to our co-operatives, or our individual farmers.

We have been told by the Assistant Minister that there are certain tea zones and that there are macadamia zones. We are not saying that everybody in this House should go and plant macadamia trees even if the Minister says that a particular place is not a favourable for growing them. Those people who are in the zones which are good for growing macadamia, like the people round about Thika where this man is growing this nut, people round about Kitale where the other man has a nursery, or Nakuru—why have they not been given the chance so far to try their luck with these trees? Mombasa, too.

Mr. Speaker, I do not know when this Motion was tabled; but in the speech of His Excellency the President, at page 3, he says: "Farmers should constantly be seeking and/or adapting fresh ideas". This is a fresh idea, Mr. Speaker. It is a fresh idea and, therefore, if our President has told us to adapt fresh ideas, then we should tell our people, "Here is a fresh idea. We want you to follow the instructions of His Excellency". So we do not want anybody to be told that he is not in the zone for macadamia because if we did that we would be fighting against the idea of the President.

Mr. Speaker, I do not want to tarry very much on this because I heard the Assistant Minister say that Government accepts the Motion.

Therefore, I beg to support.

Mr. Kamau: Mr. Speaker, Sir, I want to join my other colleagues who have supported this Motion. I also thank the Government for accepting the Motion in the way it has done.

I want to warn the Ministry of Agriculture very seriously in this respect. We hear nowadays very hopeful, very sweet, very good replies whenever we raise anything that concerns the Ministry of Agriculture. This is what I have to say. The Ministry of Agriculture is the backbone Ministry of this country, economically. It is from this

Ministry that we should have a dynamic method of approaching the problem so that we can tackle it in a better way than we have done before.

I would like the Assistant Minister for Agriculture to take note of what I say here. I would like to draw the Ministry's attention to the question of tea. I was reading this morning the report on the Kenya Tea Development Authority.

The Speaker (Mr. Slade): I do not think that is relevant to the Motion.

Mr. Kamau: I am referring to this, Sir, because it is almost the same as macadamia nuts.

I want to tell the Ministry that we understand, through the report, that tea, because of the devaluation of the British pound, has had its price dropped. The Ministry is aware that our people have now changed from coffee, because the price has come to a standstill, to tea. Before the tea is classified, the price is 40 cents per pound. That being so, when it is classified you find that the small farmer is going to lose quite a bit on this tea.

I would like the Ministry to know that whatever the new crop the Ministry of the Government suggests, we come forward to plant it; we accept the wish of the Government. Now, it is this crop, macadamia nuts. In this I would associate myself with the Minister for Natural Resources who stated very clearly that these nuts will at first interest our people, but that it will ruin our people economically in time to come. As soon as a person plants this land with this particular crop, then it will take seven years before any of these trees bear fruit. By that time it is possible that the people may be told that there is no market for it. Then the all the money, time and labour will have been wasted.

I feel this should be made a Government project, that Government should get the nuts, plant the seeds at an experimental station and then give seedlings to the people, together with loans to enable them to buy land on which to plant the seedlings.

The Assistant Minister also stated that there are loans and the people should come forward and apply for them. I would like the Minister to consider this very seriously because when we go to our people and tell them that there are these loans for which they can apply for growing macadamia nuts—when we have made propaganda for these loans—then we do not want to be challenged by our people on this. We want a definite assurance from the Ministry, that once we tell our people to apply for these loans, the Ministry will certainly help them with the loans.

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

The Speaker (Mr. Slade): Mr. Gikunju. You will have just three minutes.

Mr. Gikunju: First of all, Mr. Speaker, I would like to thank the Assistant Minister for the way in which he has accepted the Motion and answered various points.

But there is something that one cannot understand. The Assistant Minister said that in 1964, this macadamia nut tree was grown at the horticultural station at Thika but later, because the farmers did not accept buying and growing this nut, the station was closed down. I would like to say, however, that it is at the time when this station closed down that this gentleman in question started a nursery for macadamia nuts.

In 1967 the Ministry of Agriculture made propaganda all over the country that macadamia was a cash crop and the people had better grow it. So there is something here that the people cannot understand. Why did the horticultural station fail while, at the same time, this gentleman succeeded? How is it that the Ministry did not propagate to the farmers that the macadamia nut was a cash crop, but propagated at the time that this gentleman was having the macadamia nut in his nursery? That is a question that needs to be answered. This makes people think that this gentleman was helped to have the monopoly, and this was done by the Ministry of Agriculture.

If the growing of this nut, at the nursery stage, is left in the hands of societies, then it is going to fail. It is known that the societies do not have the technique to plant this. Therefore, even before the Government comes in to give loan-money, why does the Government not come in, in conjunction with the horticultural centre and grow the macadamia nuts in co-operation with the societies in order that proper advice can be given to the societies. If it is to be left completely in the hands of societies, as I see it, then this will fail because the societies do not have the know-how, nor the technique. Hence the monopoly will be left to continue in the hands of this gentleman.

The other point, Mr. Speaker, that I would like to mention is in connexion with the loans. These loans should be given through the union, comprised of the farmers, rather than given directly to individuals. Thus the unions will give loans to the individual members of the societies, and this will be a far better thing to do.

The Speaker (Mr. Slade): It is time now for the Mover to reply.

Mr. Kathanga.

Mr. Kathanga: Mr. Speaker, Sir, first I must thank the Assistant Minister for Agriculture for accepting this important Motion. I also want to

thank those hon. Members of this House who have supported it, and I think that is why the Assistant Minister thought fit to accept the Motion.

Mr. Speaker, Sir, one thing that I would like to say and make it very clear to the Assistant Minister is that we had thought that, since the Minister for Agriculture is not an African, he was not going to tell our people to establish nurseries for this important crop because he would probably tend to favour his friend who is a white man. However, since the Assistant Minister has made it clear that they are now going to advise our people to embark on establishing nurseries for this crop, I have now no quarrel with the Minister. To prove my case here, Mr. Speaker, Sir, I think when coffee was introduced into this country—and I spoke about it right at the beginning—Africans were not allowed to plant it because the Europeans wanted to exploit the crop for their own advantage.

Another important point, Mr. Speaker, is at a recent co-operatives leaders' conference which was held in Nairobi on 21st and 22nd of this month, resolution was passed by the leaders urging the Government to allow co-operatives to establish these nurseries. This shows clearly that the Ministry had failed to tell people the importance of this important crop. I now take this opportunity to read the resolution to the hon. Members of this House:—

MACADAMIA NUTS: This Conference resolves that the Ministry of Agriculture authorize the importation of seeds of the Macadamia tree for planting by co-operative unions to form nurseries for the growing of seedlings for sale to affiliated societies.

Further urges that the Ministry establish research means to sample out different varieties Macadamia seedlings for recommendation to various districts in the Republic.

This conference also resolves that the Kenya Planters' Co-operative Union Limited, as it already has an organization with facilities available for processing and handling, and already has country-wide association with co-operative unions and societies, many of which are encouraging their members to plant Macadamia trees, be appointed as the sole body to handle the crop on behalf of producers."

Mr. Speaker, Sir, with your permission I want to lay this document on the Table so that anybody who wants to read it may do so.

(The hon. Mr. Kathanga laid the document on the Table)

[Mr. Kathanga]

Mr. Speaker, Sir, the other thing which the Assistant Minister said—and this is the point which is probably making us to say that one seedling of macadamia is being sold very expensively—is that to establish a nursery of macadamia is cheaper than to establish that of tea. He said that it will cost a person about Sh. 500 to establish an acre of nursery of macadamia whereas we know that to establish a nursery of tea is not expensive. Mr. Speaker, Sir, the Assistant Minister should know that the price of one seedling of tea is very cheap. It is about Sh. 2 only, whereas this man, after establishing the nursery of macadamia, sells one seedling very expensively at Sh. 6. Something must be done about this matter, Mr. Speaker.

The other point is that we know the price of one seedling of coffee is 50 cents only. However, coffee is a more paying cash crop than the macadamia nut. Why should the macadamia nut seedling be more costly than the coffee seedling while coffee is much more paying than the macadamia? Let me make this clear to the Assistant Minister. Our interest is to break the monopoly and reduce the selling price by the competition between farmers who grow the crop. That is what he should know. We are not saying that Mr. Bobs Harries should be denied the chance of growing the seedlings. No. Let him continue, but there should be other people growing the same seedlings so that there can be competition amongst farmers, as I have told you.

The Assistant Minister has said that the growing of seedling of this crop should be left to individual farmers, but not to the co-operatives. I did not say that, and even my Motion does not read that the growing of seedlings should be given to co-operatives only or to individual farmers only. I said that the growing of seedlings should be allowed to be carried on by co-operatives and by any other farmers interested in growing them. Therefore, I think that the Assistant Minister was not correct when he said that.

Mr. Speaker, Sir, the other thing is about giving agents the chance of processing and marketing the crop. The Assistant Minister said that Del Monte a canning company at Thika, is more efficient to handle or to market the nuts of this important tree, but he should know that the Kenya Co-operative Planters' Union, is more efficient than that company, and even richer and more capable of marketing these nuts. I do not see the reason why the Assistant Minister for Agriculture should not allow the Kenya Planters' Co-operative Union to handle the crop. I understand

that this union has submitted an application to the Ministry and no green light has been given. We would like the Minister to give the green light when he goes back to his office. I told you, Mr. Speaker, for the information of hon. Members, that the Kenya Planters' Co-operative Union is a countrywide organization which is owned and controlled by large—and small-scale coffee growers in this country, and I think that it is the right body to handle the marketing of the macadamia nuts.

Many of the peasant farmers who are going to grow the crop are the members of the co-operatives in the country and we know that the co-operatives of coffee are affiliated to the Kenya Planters' Co-operative Union.

Mr. Speaker, Sir, without spending much time on this issue, I would say I am very happy that the Assistant Minister has agreed to my Motion and I hope that he is also going to implement it soon because if he does not do so, I may bring it here again to find out why he has not done so. I think that I should now stop here and thank God for blessing this day. Thank you very much.

(Question put and agreed to)

ADJOURNMENT

The Speaker (Mr. Slade): Hon. Members, it is time for the interruption of business. The House is now adjourned until Tuesday, 3rd June, at 2.30 p.m.

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

WRITTEN REPLY TO QUESTION

Question No. 93 (1715)

BREAKDOWN OF FINANCIAL ASSISTANCE TO SELF-HELP SCHEMES

Mr. Kebaso asked the Minister for Co-operatives and Social Services whether he could give the breakdown of financial assistance for each district for self-help projects for the years 1967/68. How much money had been given for *Harambee* secondary schools and how much for Health Centres and Dispensaries.

The Minister for Co-operatives and Social Services (Mr. Ngala): The breakdown of financial assistance given to each district during 1967/68 financial year is as follows.

[The Minister for Co-operatives and Social Services]

RIFT VALLEY PROVINCE

| | |
|----------------------|--------------|
| | <i>K£</i> |
| Nakuru | 465 |
| Laikipia | 800 |
| Kajiado | 800 |
| Samburu | 600 |
| Narok | 500 |
| Kericho | 1,915 |
| E. Marakwet | 1,035 |
| Nandi | 2,270 |
| Baringo | 1,500 |
| Turkana | 600 |
| Uasin Gishu | 1,750 |
| Trans Nzoia | 900 |
| W. Pokot | 600 |

Total *K£*13,735

WESTERN PROVINCE

| | |
|----------------|-------|
| Busia | 2,650 |
| Kakamega | 3,000 |
| Bungoma | 2,500 |

Total *K£*8,150

COAST PROVINCE

| | |
|--------------------|-------|
| Mombasa | 750 |
| Kwale | 2,135 |
| Taita/Taveta | 1,350 |
| Kilifi | 1,875 |
| Tana River | 1,250 |
| Lamu | 1,100 |

Total *K£*8,460

EASTERN PROVINCE

| | |
|----------------|-------|
| Machakos | 1,900 |
| Embu | 1,935 |
| Kitui | 2,415 |
| Meru | 1,600 |
| Isiolo | 500 |
| Marsabit | 500 |

Total *K£*9,850

NYANZA PROVINCE

| | |
|-----------------|-------|
| Kisii | 1,750 |
| Kisumu | 2,330 |
| Siaya | 2,600 |
| S. Nyanza | 2,550 |

Total *K£*9,230

CENTRAL PROVINCE

| | |
|-----------------|-------|
| Kiambu | 2,970 |
| Nyeri | 2,200 |
| Murang'a | 1,650 |
| Kirinyaga | 1,805 |
| Nyandarua | 1,350 |

Total *K£*9,975

NORTH-EASTERN PROVINCE

| | |
|---------------|-------|
| Garissa | 3,250 |
| Wajir | 2,250 |
| Mandera | 2,100 |

Total *K£*7,600

Nairobi *K£*2,000

Certain districts spent money on *Harambee* secondary schools, health centres and dispensaries as follows:—

| <i>District</i> | <i>Harambee secondary schools</i> | <i>Health Centres and Dispensaries</i> |
|--------------------|-----------------------------------|--|
| | <i>KSh.</i> | <i>KSh.</i> |
| Narok | — | 2,500 |
| Kericho | 1,266 | 1,194 |
| E. Marakwet | 3,550 | 700 |
| Nandi | 1,060 | 3,195 |
| Baringo | 1,500 | 1,200 |
| Turkana | — | 1,240 |
| Uasin Gishu | 1,000 | — |
| Busia | 18,900 | 11,400 |
| Kakamega | 4,486 | 13,818 |
| Bungoma | 35,637 | 702 |
| Mombasa | — | 400 |
| Kwale | 4,839 | — |
| Taita/Taveta | 1,975 | 680 |
| Tana River | 4,371 | 4,475 |
| Lamu | — | 1,066 |
| Machakos | 6,500 | 7,756 |
| Embu | 6,370 | 5,296 |
| Kitui | 1,999 | 6,000 |
| Meru | — | 8,445 |
| Isiolo | — | 5,000 |
| Kisii | 10,973 | 6,802 |
| Kisumu | 7,000 | 2,720 |
| Siaya | 2,989 | 13,904 |
| S. Nyanza | 4,485 | 3,887 |
| Kiambu | 8,615 | 1,284 |
| Nyeri | 12,579 | 2,700 |
| Murang'a | 4,963 | 4,296 |
| Garissa | — | 1,695 |

Tuesday, 3rd June 1969

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

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

PRAYERS

COMMUNICATION FROM THE CHAIR

MONDAY SITTINGS—NOTICE OF MOTION

The Speaker (Mr. Slade): Hon. Members, I know that the Leader of Government Business was intending to give notice of Motion today for the amendment of the Standing Orders to provide that from now on we do not sit on Mondays. Unfortunately, it has not been possible to prepare that notice in time for him to give it today. It will be ready for him to give tomorrow, so that the House may resolve that matter in the course of this week, but, perhaps hon. Members might like to have this informal notice today.

ORAL ANSWERS TO QUESTIONS

Question No. 111

HOUSE SEARCHES BY RABAI ADMINISTRATIVE POLICE

Mr. Mwatsama asked the Minister of State, President's Office, if he would tell the House why the administrative police constables at Rabai were searching houses and arresting people without a warrant to do so.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. I am not aware.

Mr. Mwatsama: Mr. Speaker, Sir, is the Minister aware that on the 15th January 1969, Silas Bemkoka and Albert Dudu were arrested in their house; again on the 1st March 1969, Johnson Makutubu and Joseph Kulola were arrested; is he not aware of this?

Mr. M. Koinange: Mr. Speaker, Sir, I am not aware. However, the law provides that chiefs and subchiefs and administrative police can carry out normal checks in their respective areas without being in possession of any warrant whatsoever. If the hon. Member has any specific information about that matter, he should report to us for investigation.

Mr. Mwatsama: Mr. Speaker, Sir, since I have already reported by asking a question in this House, why can the Minister not agree to take action against these people?

Mr. M. Koinange: There is nothing to be added to what I have already said, Mr. Speaker, Sir. I stick to what I have already said but if what the hon. Member said is considered to be the point which he wants us to investigate, I will do so.

Question No. 112

RACES OF EMPLOYEES OF BARCLAYS BANK, MOMBASA

Mr. Mwatsama asked the Minister for Commerce and Industry if he would tell the House—

(a) how many Africans and Asians male and female clerical staff were working in Barclays Bank (D.C.O.), Nkrumah Road, Mombasa; and

(b) how many of those were Africans.

The Assistant Minister for Commerce and Industry (Mr. ole Oloitipitip): Mr. Speaker, Sir, I beg to reply. The Barclays Bank on Nkrumah Road, Mombasa, employs a total number of 61 African and Asian clerical staff as follows:—

African males, 16; African females, 1; Asian males, 29 of which 6 are citizens; and Asian females, 15 of which 8 are Kenya citizens.

Mr. Mwatsama: Mr. Speaker, Sir, can the Assistant Minister tell us what the qualifications are for a person to be engaged as clerical staff in this bank.

Mr. ole Oloitipitip: Mr. Speaker, Sir, I do not think it is the responsibility of the Ministry to tell the House the qualifications that are necessary for the bank to employ its own staff. However, you all know that unless a person is properly qualified to do that particular job in the bank, he will not be employed.

Mr. Jahazi: Mr. Speaker, Sir, is the Assistant Minister aware that the number given here is shockingly low? Did he take the trouble to ask this bank what difficulties they are finding in recruiting more than the one African who is now there when he received this reply? Was he not surprised to get this number?

Mr. ole Oloitipitip: Mr. Speaker, Sir, as we all know that Africanization is taking place very rapidly the number is not shocking. For 16 Africans to have been employed by this bank in such a short period is not shocking.

Mr. Lubembe: Mr. Speaker, Sir, arising from the answer which the Assistant Minister has given, will he agree with me that by stating that it is not the duty of the Ministry to bother over the question of the qualifications, when we have set up the Kenyanization of Personnel Bureau which deals with this once recruitment has been done according to qualification so that Kenyans may be employed, is contradicting the Government policy of Africanization?

Mr. ole Oloitipitip: Mr. Speaker, Sir, I am not contradicting the Government's policy and I do not agree with the hon. Member at all.

Mr. J. K. arap Soi: Arising from the answer which the hon. Member has been endeavouring to pursue, that the Assistant Minister is not in a position to tell us what qualification a person should have to be employed by this bank as a clerk, is the Assistant Minister aware that this particular bank has the lowest number of Africans employed there and that it has used a most cunning system to avert Africanization?

Mr. ole Oloitipiti: Mr. Speaker, Sir, I do not really know that this is the only bank that has employed the lowest number of Africans. However, should this be the case, then we shall be prepared to look into it.

The Speaker (Mr. Slade): Next question.

NOTICE OF MOTION FOR THE ADJOURNMENT

MATTER OF QUESTION No. 112—RACIAL GROUP
OF BARCLAYS BANK MOMBASA EMPLOYEES

Mr. Lubembe: On a point of order, Mr. Speaker, Sir. With the permission of the hon. Questioner, I would like to move this matter on a Motion for the adjournment.

Mr. Mwatsama: I have no objection.

The Speaker (Mr. Slade): Very well.

ORAL ANSWERS TO QUESTIONS

Question No. 120

STUDENTS ABROAD AND BANNED PUBLICATIONS

Mr. Okelo-Odongo, on behalf of Mr. Odero-Sar, asked the Minister of State, President's Office, if he would tell the House whether the Government had reminded Kenya students who were studying in foreign countries of laws of Kenya regarding which type of publications, books and documents were banned in Kenya in order to avoid unnecessary arrests and prosecutions.

The Speaker (Mr. Slade): Would you like to have a little more time so that you may come back with the answer to this question, Mr. arap Moi?

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, the question is addressed to the Office of the President. So I do not have the answer to it at the moment.

The Speaker (Mr. Slade): Will you be ready to answer it if it comes on the Order Paper tomorrow?

Mr. arap Moi: Yes. Tomorrow, Sir.

The Speaker (Mr. Slade): We will put it on the Order Paper tomorrow. Thank you.

Mr. Wakole's question. Is there any hon. Member who was authorized to ask?

Mr. arap Biy: Yes, Sir.

Question No. 126

DEATH OF ADMINISTRATIVE POLICE CONSTABLE
IN MASABUBU

Mr. arap Biy, on behalf of Mr. Wakole, asked the Minister of State, President's Office, if he would tell the House—

(a) whether he was aware that during a clash between administrative police and shifta bandits in Masabubu Location on 24th December 1963, one of the administrative police named Bonaya lost his life in the course of the fight; and

(b) if the answer was in the affirmative, what way the Government had helped the widowed constable.

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

Yes Sir, I am aware.

I regret to inform the hon. Member that the Government has not aided the widow in any way at all.

Mr. arap Biy: Mr. Speaker, Sir, arising out of the second part of this reply, will the Minister tell the House whether the Government is now looking into ways and means of aiding this unfortunate widow since there is no other way of getting assistance of any kind apart from the Government?

Mr. M. Koinange: Mr. Speaker, Sir, as regards (b) the word "widower" is a Government servant who is an administrative police constable. He will not, and cannot be aided by the Government on account that his wife died. A person cannot be aided because his wife is dead. Under that circumstance the incident did not warrant the extension of his usual pay.

The Speaker (Mr. Slade): It looks to me as if the wording of the Question as it stands on the Order Paper leads to some misunderstanding. Is it not that the police officer concerned lost his wife, and not his life? Then we will begin to understand the Question. It is his wife that he lost and not his life, is it?

Mr. M. Koinange: Mr. Speaker, Sir, if he lost his wife—

Hon. Members: Life.

The Speaker (Mr. Slade): I think I should elucidate that. You see, if he lost his life then the reference to a widower does not make sense. If he lost his wife, then he is a widower; and the Question makes sense. I think it must have been the loss of his wife, which indeed the Minister is answering.

Hon. Members: No.

Mr. M. Koinange: In that case, Mr. Speaker, I think we should look into that.

Hon. Members: Very good.

The Speaker (Mr. Slade): Mr. arap Moi tells me that he is now ready to answer Mr. Odero-Sar's Question. Would you ask it again Mr. Okelo-Odongo?

Question No. 120

STUDENTS ABROAD AND BANNED PUBLICATIONS

Mr. Okelo-Odongo, on behalf of Mr. Odero-Sar, asked the Vice-President and Minister for Home Affairs if he would tell the House whether the Government had reminded Kenya students who were studying abroad of the laws of Kenya regarding which types of publications, books and documents were banned in Kenya, in order to avoid unnecessary arrests and prosecutions.

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

Kenya Missions abroad have always inserted articles in Students' News Letters informing them of any prohibited publications which cannot be brought into Kenya.

Mr. Okelo-Odongo: Then, Mr. Speaker, Sir, would the Minister say whether we have a Kenya Mission in Korea, North Korea, and whether we have a Kenya Mission in these other neighbouring countries, the socialist countries?

Mr. arap Moi: Mr. Speaker, Sir, we do not have Missions in some of the countries he has referred to.

Mr. Obok: Mr. Speaker, Sir, arising from the Minister's reply, is the Minister aware that the prosecuted students, on return from abroad, were merely innocent people? Are you aware that those already prosecuted are up to now innocent?

Mr. arap Moi: No, Sir.

Mr. Jahazi: Mr. Speaker, Sir, would the Minister for Home Affairs arrange to issue a statement in the Press advising every relative who has a child or some other relative studying in a place where we have no Embassies to inform them of the laws at home so that they do not bring these books here and so get into trouble?

Mr. arap Moi: Mr. Speaker, Sir, I would like the hon. Members to advise their constituents, who include parents, to inform their children abroad about the prohibited publications.

Mr. Lubembe: Mr. Speaker, Sir, will the Vice-President agree with me that the idea of having some educational attachés as advisers to our Missions is because we want them to advise all our students throughout the world—wherever

they may be—and as such it is not the responsibility of the villagers in the constituencies?

Mr. arap Moi: Mr. Speaker, Sir, I was answering the questioner who asked earlier whether I should, as Minister for Home Affairs, give publicity by way of radio and such media to inform parents whose children are studying abroad, to inform them of the prohibited publications.

As I answered earlier, Sir, we have educational attachés in countries where we have established Missions and these officers always keep our students informed of what goes on in Kenya, including what I referred to earlier on.

Mr. Odinga: Mr. Speaker, Sir, arising from that answer, is there any arrangement from the Ministry, where there is contact with these educational attachés, to contact students who are in other countries where we do not have any Embassies? Can there not be some sort of arrangement for this?

Mr. arap Moi: Yes, Sir.

Mr. Okelo-Odongo: Mr. Speaker, Sir, in view of the fact that some of these publications are considered quite normal in these places where these students are studying, will the Ministry, then, take the trouble to await these students when they come from wherever they are studying, so that the Immigration Officers can advise them at the port of arrival and remove the books from them instead of taking them to court?

Mr. arap Moi: Mr. Speaker, Sir, on this issue, the Attorney-General and I have been considering whether we might be able to advise people who may be harbouring some of these publications, and give them a certain period, let us say, a week, for them to return such publications to the nearest police station so as to avoid prosecution. We have not, however, come to any definite decision, we are still considering what to do.

Question No. 86

WATER SHORTAGE, YATTA

Mr. Munyasia asked the Minister for Agriculture if he would tell the House if the Minister would consider sending a team of experts to Yatta Location in Kitui District to examine possible ways of eradicating hardships caused by the water shortage in that particular area.

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

This question is the same question I answered in September 1968, that is, Question No. 842, asked by the hon. Member for Kitui West, Mr. Munyasia. Subject to your guidance, Sir, on this point, I do not think it is in order.

The Speaker (Mr. Slade): Well, Mr. Murgor, it is in order, because the rule against repetition of questions only applies to repetition of a question during the same session. We are now in a new session, and hon. Members can come back to all the questions which they had asked previously.

The Assistant Minister for Agriculture (Mr. Murgor): Mr. Speaker, Sir, in view of your ruling, I beg to reply.

The Water Development Division of my Ministry have already carried out mineral investigations in the Yatta Location at the request of the county council. The provision of water in this area depends on the pumping schemes which are costly to install and to operate, and the county council has, so far, not been in a position to finance such undertakings, particularly while the location is not very densely populated.

The initial development of water supplies in the Yatta or any other location is primarily the responsibility of the county council, and the Water Development Division acts as an adviser on technical matters.

The county council have so far not allocated a high priority to this area for the reasons stated, but should they choose to revise their priority list, the Water Development Division and my Ministry will give them every assistance.

It is to be emphasized that funds for uneconomical supplies will continue to be limited for some time, and schemes such as those that may be possible in Yatta will, if installed, have to be self-sufficient, at least to the extent of paying for their operational maintenance. This means that the people of Yatta Location will have to find the money for this purpose and thereafter be prepared to pay for the water which they use, as people do in other locations, such as Mbitini where the long awaited pipeline scheme is now nearing completion.

Mr. Munyasia: Mr. Speaker, Sir, arising from that long reply from the Assistant Minister, that Yatta is not densely populated, and realizing that water is an essential factor in human life, what is the Ministry doing, apart from these people raising funds since September 1968 to date? Can he indicate a single project towards water development in that particular area? What has the Ministry of Agriculture done for those people of Yatta in regard to water which is of vital importance?

Mr. Murgor: Mr. Speaker, if the hon. Member tells his constituents to provide the amount of money which will be required, we are ready to help him.

The Speaker (Mr. Slade): We come now to Mr. Wakole's Question.

Question No. 125

MEAT FACTORY FOR TANA RIVER DISTRICT

Mr. arap Bii, on behalf of Mr. Wakole asked the Minister for Agriculture if he would tell the House, in view of the fact that there was a considerable number of livestock in the Tana River District, and that the distance to the nearest meat factory was great, why the Government did not consider establishing a factory to cater for the area.

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

I regret that Government cannot consider the proposal of the hon. Member at the present time. In the first place, it is usually more advisable in a developing country like our own to locate larger abattoirs in areas of meat consumption such as Nairobi, Mombasa, rather than in areas of meat production like Tana River, Masailand and Samburu. To transport meat rather than animals requires good roads, regular rail services, special refrigeration facilities, none of which are presently available in the Tana River District.

Secondly, Mr. Speaker, there are quite a few other districts such as South Nyanza, Narok, Kitui, West Pokot, to name only a few, that have greater stock population than that of Tana River District and are also farther away from the nearest Kenya Meat Commission abattoir. Obviously, we cannot set up slaughterhouses in all these areas.

I would suggest to the hon. Member that the people in his area should build an abattoir to cater for their own needs. Cattle over those supplied to these local requirements can be exported on the hoof to Mombasa as is the practice at present.

Mr. arap Bii: Mr. Speaker, Sir, in view of the fact that the Government is now turning its eyes to rural areas as far as development is concerned, would the Minister agree with me that the total income of the people of Tana River is from their livestock? Would he consider establishing a meat factory as suggested in the question so that they will be helped to develop as other counties in Kenya?

Mr. Murgor: Mr. Speaker, Sir, there are two things on which I do not need to contradict myself. The people who eat meat are the people who are in the towns and not the rural people in the rural areas, and so what you need is to take the meat to the people who eat the meat and not to slaughter the meat and then transport it to the towns.

[**Mr. Murgor**]

Mr. Speaker, Sir, the Food and Agricultural Organization of the United Nations estimates that it will cost approximately twice as much to transport meat rather than livestock, although it is more efficient technically.

Some representative stock populations are as follows: South Nyanza 600,000 head of cattle; Samburu 360,000 head of cattle; Nandi 270,000 head of cattle; Narok 425,000 head of cattle; Kitui 400,000 head of cattle and Tana River 130,000 head of cattle. There is a good deal of animal disease—foot-and-mouth, rinderpest, etc.—in areas like Tana River which prevent adequate stock movement to the factory. A new factory would be much better placed in a disease-free zone, in areas where there are no such diseases.

The Speaker (Mr. Slade): Next question.

Question No. 127

MUNICIPAL STATUS FOR KERICHO

Mr. J. K. arap Soi, on behalf of Mr. Kiprotich, asked the Minister for Local Government if the Minister would consider giving Kericho Urban Council municipal status.

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

As I have explained on many occasions in this House, all requests for upgrading of the status of a local authority will be considered by the Review Commission when it is appointed in 1970.

Mr. J. K. arap Soi: Mr. Speaker, arising from that answer where the Assistant Minister is contradicting himself, that he has stated several times in this House that a commission is going to be appointed, but the date 1970 has never been mentioned, does it therefore mean that a commission is definitely going to be appointed in 1970 and that Kericho will be one of the ones on the list to be considered by this commission?

Mr. Njiiri: Mr. Speaker, Sir, we have issued the statement and my colleague, the Minister, has explained in this House that the review commission will be established in 1970 and they will be in a position to do everything as far as upgrading is concerned.

Mr. arap Bii: Mr. Speaker, Sir, arising out of the Assistant Minister's reply that this might be considered in 1970, would he assure us that Kericho, as has been suggested by the Questioner, is going to be given the first priority, if he is going to be in that Ministry again next time?

Mr. Njiiri: Mr. Speaker, Sir, it would not be appropriate for the Ministry to admit this, because requests for upgrading have been coming

from my Ministry for Kakamega, for Nyeri, for Thomson's Falls, for Nakuru, and it would be very unfair for the Ministry to commit itself. However, the commission will tell us what to do for the best.

The Speaker (Mr. Slade): Next question.

Question No. 87

DISCHARGE OF UNTRAINED TEACHERS IN KITUI DISTRICT

Mr. Munyasia asked the Minister for Local Government if the Minister would state the reasons which led to the discharge of 250 untrained teachers in Kitui District who were appointed on 13th January 1969, but who soon after that were dismissed.

The Assistant Minister for Local Government (Mr. Munoko): Mr. Speaker, Sir, I beg to reply. 250 untrained teachers were recruited by Kitui County Council to provide one extra teacher per school in accordance with the authority provided by the Ministry of Education under Legal Notice No. 16, Education Regulations 1968.

However, the financial position of Kitui County Council is such that it cannot afford the additional teachers. The recruitment had been carried out, regardless of the necessity to maintain financial control, and contrary to the instructions contained in the Ministry of Local Government Circular No. 97/1968 of 27th December 1968.

When the situation was pointed out to the officers of the county council by the Ministry of Local Government, action was taken to dismiss the 250 untrained teachers.

Mr. Munyasia: Mr. Speaker, Sir, while agreeing with the Assistant Minister that these 250 teachers were dismissed for the reasons given by him, but why did not the Ministry of Local Government and the Ministry of Education not consult one another before these teachers were employed? We are told here that the Government is working hand in hand with itself, so why was there no consultation between these two Ministries?

Mr. Munoko: Mr. Speaker, Sir, there is no contradiction there. The position is that the Ministry of Education had issued a circular as to what requirements were suitable for the schools, but, at the same time, the Ministry of Local Government has to approve the estimates which Kitui County Council has not, up to date, submitted, and, until they are submitted, these consultations cannot take place.

Mr. Mwalwa: Mr. Speaker, Sir, in view of the fact that these 250 teachers had some hope of getting salaries and working and in view of the

[Mr. Mwalwa]

fact that they were dismissed, has any compensation been paid to these unfortunate teachers by the employer?

Mr. Munoko: Mr. Speaker, Sir, this is not a question really of having to dismiss any teachers; these people were being taken on in excess of the number which the county council could afford, and so you cannot really say they were dismissed.

The Speaker (Mr. Slade): Next question.

Question No. 103

OPENING OF MIRIU BRIDGE

Mr. Ondiek-Chillo asked the Minister for Works if he would tell the House when Miriu Bridge would be opened officially.

The Assistant Minister for Works (Mr. Godana): Mr. Speaker, Sir, I beg to reply. The bridge has not been completed because the contractor involved has met with various engineering problems, and for that reason we cannot tell when we are going to open it officially, but it will be opened when it is finished and I hope it will be completed by the end of this year.

Mr. Ondiek-Chillo: Mr. Speaker, Sir, for the last five months the work on this bridge has stopped, and so could I hear from the Assistant Minister what happened between the contractor and the Ministry which has actually stopped the work?

Mr. Godana: Mr. Speaker, first in my reply I said that the contractor met with some engineering problems on the foundations of this bridge, and that is why work was stopped. However, consultations have now been gone into and I hope that they are going to complete the bridge soon.

The Speaker (Mr. Slade): Next question.

Question No. 104

STATUS OF KISUMU-HOMA BAY ROAD

Mr. Ondiek-Chillo asked the Minister for Works if he would tell the House if he was planning to raise the Kisumu-Homa Bay Road, via Nyakach-Karachuonyo, to trunk road status once the Miriu Bridge was completed.

The Assistant Minister for Works (Mr. Godana): Mr. Speaker, Sir, I beg to reply. The answer is no, Sir.

Just because a high level bridge has been built to cross a river on a secondary or feeder type of road, it does not mean that the road classification will be raised.

There are some factors, Mr. Speaker, involved in making a road, for example, a secondary road. For the hon. Member's information, the above road has been included in the draft 1969/74

development programme for reconstruction, but this has yet to be approved by the Government.

Mr. Ondiek-Chillo: Mr. Speaker, arising from that answer for which I am partly grateful for the information that the Assistant Minister has given, would he tell us when this approval is going to be given? Will this be in this House or where, at a chief's *baraza*?

Mr. Godana: Mr. Speaker, the hon. Member is aware of the methods of the Government; roads can be planned by the Chief Engineer or the plans can come from elsewhere.

The Speaker (Mr. Slade): Next question.

Question No. 50

BURNING OF JUTE FACTORY, THIKA

Mr. Munyi asked the Minister for Commerce and Industry if he would tell the House what the total value of damage caused by the recent fire at the jute factory in Thika Township was.

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, Sir, I beg to reply. It was £240,000.

Mr. Munyi: Mr. Speaker, Sir, arising from that answer and arising from the fact that the cost of the damage was so great that even words are completely inadequate to express our concern, does the Assistant Minister rule out the possibility of sabotage when the damage occurred? Was this sabotage, Mr. Speaker, Sir, or something which happened in an accidental way? Would the Minister tell us because—

The Speaker (Mr. Slade): All right, you have asked your question.

Mr. Kibaki: Mr. Speaker, Sir, the investigations are still going on. The fire was very sudden, Mr. Speaker, and up to now the cause has not been established.

Mr. Lubembe: Mr. Speaker, arising from the answer from the hon. Minister, would he tell this House whether this factory was insured and, if it was insured, would the Government assist the people who have lost this money to recover it from the insurance people without any difficulties?

Mr. Kibaki: Mr. Speaker, Sir, I think the hon. Member for Starehe must be aware that all factories in this country are insured, more so a jute factory which, if he does not know anything about it, is a fibre factory, because fire hazard is one of the things you necessarily must insure against before you start business. The people involved do not need Government help in these matters, which are normal commercial transactions which should take their course.

The Speaker (Mr. Slade): Next question.

Question No. 119

FORCED CLOSURE OF SHOPS AT UGUNJA MARKET
BY KANU YOUTHS

Mr. Okelo-Odongo, on behalf of Mr. Odero-Sar, asked the Attorney-General if he would tell the House if it was lawful for the Kanu youths to order the closure of shops in order to enable traders to attend a Kanu meeting at Ugunja Market on the 19th January 1969.

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

The answer to this question is definitely no.

I want, Mr. Speaker, to ask you to ask the hon. Member, under Standing Order 37 (2) and Standing Order 37 (6), to substantiate the allegations that he has made, because my information, in fact, is the reverse, and I have had information from the chairman of the Kanu branch in the area that the hon. Member was the one who was instigating his followers not to attend the meeting.

The Speaker (Mr. Slade): It is in order to require substantiation in a case like this, implying a definite allegation. I do not know whether you are in a position to substantiate, Mr. Okelo-Odongo?

Mr. Okelo-Odongo: Mr. Speaker, Sir, I am not in a position to substantiate, but the Minister raised the question that he gets his information from the Kanu chairman; I wonder why he did not get his information from the normal Government sources, the district commissioner, who might have been more—

The Speaker (Mr. Slade): Wherever he gets his information from he is entitled to ask for substantiation, and if you cannot give it—and I quite understand that as this is another Member's Question you are not in a position to do so—would you please convey to Mr. Odero-Sar that he is required to make a personal statement as soon as he is in the House, substantiating his allegations.

Mr. Ondiek-Chillo: May I ask a further question on this?

The Speaker (Mr. Slade): A further supplementary, yes.

Mr. Ondiek-Chillo: Now, Mr. Speaker, in view of the fact that sometimes we witness such actions taking place and then after asking a question we find the Minister denying that it was true; what should the people do in the case that they are forced to close their shops? Should they refuse and see if they can be beaten, or what should they do?

The Speaker (Mr. Slade): I think that in view of the denial, at present, by the Attorney-General that this ever happened, that becomes the kind of

hypothetical question that is not really appropriate. I do not think we can get any further on this question without substantiation by Mr. Odero-Sar that this actually happened, so we will wait for his substantiation.

Mr. Odinga: On a point of order, Mr. Speaker, Sir, I think that here legal opinion was sought in this particular respect, and if the Attorney-General is taking it as the legal man, he should have consulted his legal man in the field, and not a politician, in order to make his reply to this particular question.

The Speaker (Mr. Slade): No, Mr. Odinga, if that is a point of order, I do not think it is a very good one, but I would not agree with it anyhow. Hon. Members, whether Government or Back-benchers, are entitled to seek their information wherever they can get it and it is for them, in the first instance, to judge what kind of information is the most desirable, and eventually it is for the House to judge according to the source of information. No one is limited, in seeking information which may or may not be of benefit to this House, to any particular source of information.

I think we will move on now.

QUESTIONS BY PRIVATE NOTICE

ARREST OF SELF-HELP GROUP BY BUTERE
POLICE

The Speaker (Mr. Slade): Mr. Shikuku?

Mr. Shikuku: Mr. Speaker, Sir, I beg to ask the following Question by Private Notice of the Minister for Home Affairs.

Why did the Police Inspector attached to Butere Police Station visit my home with a view of arresting a self-help group men and women who had been clearing the paths in Regeya Bukhokoro area of Shiatsala sub-location and later assembled in my home and elected their headmen?

Will the Minister give an assurance that in future self-help groups or *Maendeleo* men and women will not be harassed by the police and that they will never be interfered with whenever they assemble to discuss *Maendeleo*?

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, on the 24th May 1969, acting on information received that an illegal meeting was taking place in the house of Mr. Yohana Oyondi, the father of the hon. Member for Butere, a police party visited the house only to find that the alleged meeting had finished and the people had dispersed. The object was to ascertain the purpose of the meeting and not to harass any person.

[The Vice-President and Minister for Home Affairs]

The police do not interfere when people assemble to discuss *Maendeleo* matters and no embarrassment was caused to anyone by the police visit.

The Assistant Minister for Education (Mr. Mutiso): On a point of order, Mr. Speaker, it seems that this question is that the police did visit his home; and according to the reply from the Minister, he says that it was another person's home.

The Speaker (Mr. Slade): There is no point of order there, Mr. Shikuku.

Mr. Shikuku: Arising from that reply, is the Minister aware that those, self-help—*Maendeleo* women and men, who met in my home and who had been clearing the paths which the police saw, heard of the visit to my home because it was reported to the police by the sub-chief, and therefore they will no longer agree to come to my home? They fear now to assemble even to discuss which place they are going to clear or which bridges to make next. This has got a very retrogressive effect on the people of Butere and elsewhere in Kenya?

Mr. arap Moi: Mr. Speaker, Sir, it is in this House that we pass laws. When the laws are passed, they are subject to being enforced. Now, the people who assembled there numbered more than 60. If the hon. Member wishes this project to go on in the normal way, he should have approached the police officer to inform him that these people were working on a normal project and that he was holding a public meeting. It is known by everybody that in order to hold a public meeting one is required to have a licence. Therefore, I would only advise the hon. Member that in future if he wants to hold such a thing, particularly when they were holding it in the house of his father—anything could happen; and if rioting took place, the police would be ready, so there was no harassment to his people and they could continue to do the work he wanted them to do.

An hon. Member: What do you know of Butere?

Mr. Makone: Mr. Speaker, Sir, assuming that the house of the hon. Member was large enough to contain 60 people, will the Vice-President give a warning to the people who gave false allegations to the police so that in future the sub-chiefs and police will be careful?

Mr. arap Moi: Mr. Speaker, I wish I could dare—

An hon. Member: Members are free to assemble.

Mr. arap Moi: Mr. Speaker, Sir, the hon. Member says that Members are free to assemble. They are not free to assemble illegally. Mr. Speaker, Sir, I am answering the question of the hon. Member; I have been to Butere myself and I have been to the house of the hon. Member, which is adjacent or very close to his father's house. There is a clear space between the two houses, and I suppose that this is the place where the people met.

Mr. Shikuku: Arising from that reply, Mr. Speaker, I have no bad or ill feelings against the police at all, because they have the right to come and check, but then intervention and the visiting by the police is interpreted in a way that it can scare the people in future from assembling to discuss *Maendeleo*. Does the Minister want to tell me that my father or myself, cannot have a tea-party of more than 60 people, and when I am a representative of the people of Butere? Am I not allowed to do so? Have I got to tell the hon. Minister, the police, and God knows who, before they can come to my house to sing for me or take tea?

Mr. arap Moi: Mr. Speaker, Sir, I do not object to people going to sing for the hon. Member every Monday or every Sunday, but it might have been that the people who gathered had wished to discuss a sub-chief or something like that. And therefore, the information was given to the police. It could have resolved into a scuffle and so on; so the police did not do any wrong. Mr. Speaker, Sir, I hope the hon. Member agrees with me that the police were as innocent as anybody, and I would like the hon. Member to help to make the people realize that the police are friendly.

POLICE SHOOTING IN WEST KANO LOCATION

Mr. Okelo-Odongo: Mr. Speaker, Sir, on behalf of my colleague, the hon. Okuto-Bala, I beg to ask the following Question by Private Notice:—

- (a) Why were people refused by police permission to mourn in the usual Luo tradition on 27th May 1969, after the police had shot dead Mr. Ochieng Abuto of West Kano Location?
- (b) Why were people beaten and chased away from attending Ahero Market in a manner which brought about a lot of losses to the general public on 27th May 1969?
- (c) Why were all shops at Ahero ordered to be closed and some trade licences taken away by the police?

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, on the 24th May 1969, three police constables from Ahero Police Station arrested an accused person for

[Mr. arap Moi]

being in possession of a bottle of Nubian gin. On their way to the police station a group of people—approximately 40 men—attacked them and the arrested person escaped.

On 26th May 1969, a police party recognized a man concerned with the earlier attack. He resisted arrest and slashed one constable on the left hand. The other constable shot him dead when he tried to attack him as well. The incident is at present under investigation and therefore *sub judice*.

Later, about 300 people armed with spears and sticks went to Ahero Police Station in a hostile mood. The district commissioner and the police officers in charge cooled them down. As a security precaution, shops, bars and clubs were temporarily closed down. At no time, were the people refused permission to mourn for the deceased nor were any of them beaten at the market place. The police are not aware of any losses sustained by the public as a result of this incident.

Mr. Okelo-Odongo: Mr. Speaker, Sir, is the Minister aware that actually this ceremony, which was therefore in Luo, is just a part of mourning and that these people were not there to fight anyone, and that on that particular day, at Ahero, it was a market day and therefore the people had to suffer a lot of losses due to the ignorance of the police of the local customs?

Mr. arap Moi: Mr. Speaker, Sir, I would like this time, this warning given to the hon. Member that such traditions should never be used for political purposes. I would like to inform the hon. Member that in this particular area, and elsewhere in Nyanza Province, and South Nyanza, people have been using such traditional matters for political purposes, and Government may not, in future, allow such things to occur again, unless the elders including the hon. Members, can help us to allow this sort of tradition to continue without political aspiration being thrown into them.

Mr. Odinga: Mr. Speaker, Sir, the Minister has not answered the question asked. He alleges that these people went to attack the police station and he has not given evidence that they really went to attack the police station. These people normally when they go for these traditional ceremonies, carry with them spears, animals and many other things, and they were in a market place. Can he actually tell the House definitely that these people made any charges which justified the action which the police took to disturb people in the market?

Mr. arap Moi: If these attacks had started earlier on the 24th and also on the 26th, there was no doubt in anybody's mind that the people

who were carrying spears and all these weapons would not use them and therefore, the police had to take precautions.

Mr. Odinga: I would like the Minister to answer the question because we want to get this very clear—because he is an African. When we had the Europeans governing us here, they also respected the African traditions.

The Speaker (Mr. Slade): Mr. Odinga, just ask your question.

Mr. Odinga: Mr. Speaker, Sir, will the Minister actually give the House to understand that as a result of the death of this man, these people who had come from various and from far places to carry out a traditional ceremony of going to a definite place which they know they always go to. It is a place where they always go to. Did they make any disturbance to the police which justified the police to attack them and to beat people as they did?

Mr. arap Moi: Mr. Speaker, Sir, I answered that. The hon. Member ought not to be so excited on this matter. I did say, Mr. Speaker, that as a security precaution, shops, bars and clubs were temporarily closed down. At no time, were the people refused permission to mourn the deceased, nor were any of them beaten at the market place.

OPENING OF FORM I LUGULU GIRLS' SCHOOL

Mr. Barasa: Mr. Speaker, Sir, I beg to ask the Minister for Education the following Question by Private Notice.

- (a) Why has a Form I not been opened at Lugulu Girls' High School since selections took place immediately after C.P.E. results?
- (b) When does he consider it will be opened?
- (c) Since almost half of the year has gone, would the fees be reduced?

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

(a) Form I pupils have not yet been admitted to Lugulu Girls' High School this year because the school has an acute shortage of accommodation. Buildings which were expected to be ready for occupation in December 1968 have not yet been completed.

(b) It is expected that these buildings will be ready by the end of this month and Form I pupils may be admitted early in July.

(c) The fees payable by the Form I pupils will be reduced accordingly.

Mr. Barasa: Arising from that answer, is the Assistant Minister not aware that we have been having Form I at Lugulu every year for the last

[Mr. Barasa]

seven or eight years up to date, and until now we have been opening Form I in January and February, so really we would like to know what delays the Government from opening Form I this year; is it because of the building of accommodation because we already have some completed building at Lugulu?

Mr. Khasakhala: Mr. Speaker, Sir, it appears as though the hon. Member does not know the situation at Lugulu. Lugulu is one of the larger developing girls' high schools to cater for three streams right from Form I to Form IV, and every year we have been adding a further stream. Last year, we added another stream—the third stream there. Now, that is not all, Mr. Speaker; Lugulu is being developed and built with International Development Agency money and it is the school that is looked upon as being the most important girls' high school in that area. The school has not enough accommodation to cater for three Form I classes this year, because the buildings which were supposed to have been completed last year were not completed by the contractor.

Now, my Ministry does not build houses. It deals with the admission, and general duties and responsibilities to do with the school. When it comes to delay, Mr. Speaker, by the contractor, there is nothing we can do, but delay commencement of the classes, and see that, even if they are admitted at a later stage, they still cover the period that they have lost during the time the pupils have not been at school.

Mr. Barasa: Mr. Speaker, Sir, arising from that answer that implies that I may not know the situation at Lugulu, is the Assistant Minister not aware that there are some other schools in Kenya which have been termed "day-secondary" schools and that there are some others that have been termed "boarding-schools" and that there are some classes or streams at Lugulu which are now termed "day-streams" while others are termed "boarding-streams" by the Ministry?

Mr. Khasakhala: I am fully aware.

Mr. Godia: Arising from that reply from the Assistant Minister, since the school term for this year is nearly finished, what arrangement has the Ministry to see that the girls who should cover the full syllabus for this year do so before the end of the year.

Mr. Khasakhala: I said very clearly that my Ministry has made necessary arrangements with the staff at Lugulu to see that when the girls come in July, they will catch up over the whole year, and I am sure they will do this, Mr. Speaker.

Mr. Muliro: Mr. Speaker, Sir, arising from the earlier reply by the Assistant Minister, why did the Ministry not arrange with Misikhu so those girls could have been admitted temporarily at Misikhu Girls' School until July?

Mr. Khasakhala: We used to do that previously, Mr. Speaker, and the administration was very difficult. To send three classes to Misikhu, where there would be no accommodation for the three streams would be impossible and, as a result of this, my Ministry decided to have all the three classes wait and come in at a given time so that they study their syllabus at the same time without any class losing and that was the reason why we are determined that the three classes should wait until the accommodation is completed.

NOTICE OF MOTION FOR THE ADJOURNMENT

NATIONAL HOUSING CORPORATION IN RURAL AREAS

The Speaker (Mr. Slade): We must go on now, hon. Members. I have to remind you that on the adjournment today, Mr. Karungaru is to raise the matter noted on the Order Paper.

CHANGE IN ORDER OF BUSINESS

FORTHCOMING VISIT OF PRIME MINISTER OF SWAZILAND TO PARLIAMENT

As regards tomorrow, I can now inform you that there will be an official visit by the Prime Minister of Swaziland, which will include a reception to be given to him in Parliament Buildings by the Vice-President and Leader of Government Business tomorrow evening at six-thirty o'clock; and I hope also we shall see our distinguished guest in the gallery for a moment before the end. This being so, I think it would be better to put off the matter which Mr. Godia was to raise on the adjournment tomorrow, until Tuesday of next week.

POINT OF ORDER

DISTRIBUTION OF DOCUMENTS TO MEMBERS BY OUTSIDE ORGANIZATIONS

Mr. Mbogoh: On a point of order, Mr. Speaker. I note that there is a leaflet of unknown authenticity going round the building and I think all Members have got it. addressed to the Government and the Republic of Kenya from some people called the National Council of Women of Kenya.

This pamphlet does not bear any signature. Now I am seeking your guidance as to how such a leaflet is treated if they are circulated to Members through the Members' pigeon holes and yet

[Mr. Mbogoh]

we do not see the legality of doing that unless something is sent and signed, so that we can know what is happening.

The Speaker (Mr. Slade): Mr. Mbogoh, the position is that from time to time I get requests from various people to allow circulation of documents for the information of Members, and to ask administration to arrange distribution to their pigeon-holes. The decision on that depends on whether the request comes from a responsible, recognized organization whose views Members might wish to hear. If we get a request of this kind from individual persons who appear to have a private grudge, then we say it is up to him to get this communication to the Members as best he can.

However, very often in the past, and on this occasion again, when representation is made to Members on a matter of current interest, by a recognized body, like the National Council of Women, then I think it is proper to facilitate distribution of their views to hon. Members.

I think it is unfortunate, perhaps, that this was not actually signed by any person on behalf of the National Council of Women, but I know from the inquiries I had that it does actually come from the National Council of Women.

So, whatever Members may feel, I thought it desirable that they should see the views of this particular council, or of any other recognized council if that council has views on any particular matter. With regard to trade unions, and the National Union of Teachers, and often, you will remember, on other occasions, we have allowed distribution of their views among Members on a current issue has been allowed in the same way.

Mr. Mbogoh: Mr. Speaker, would it not, then, be fair that every time you allow them to do that, that you insist that it be signed? Otherwise some other organizations might use this chance to slight others by giving out pamphlets which are not signed.

The Speaker (Mr. Slade): Yes, I think you are right, Mr. Mbogoh. We should look more carefully to ensure that the thing is verified. However, I can assure hon. Members that on this occasion that it was verified by direct contact with me from the headquarters of this council.

Mr. Lubembe: Mr. Speaker, in view of the fact that this distribution of documents deals with the Affiliation Bill, will it not be in order, when tomorrow the Bills are discussed, to move a Motion to get Order No. 10 to read Order No. 6 so that we deal with this question and dispose

of it in order that we do not receive more documents of this nature being distributed here by women?

The Speaker (Mr. Slade): It sounds to me as if the hon. Member wishes to discriminate against women. I do not think we can do that.

I do think that hon. Members should welcome expression of views from the public as long as they are, at any rate, responsible organizations of the public, men or women.

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Speaker, I am sure you know my views on this matter. I am just raising, on a matter of principle, whether it is right for this organization or any other organization to use Parliamentary machinery to post these documents because I received mine in an envelope together with my other Parliamentary papers? I am only asking whether it is right for this organization, or any other organization, to use Parliamentary machinery to send these documents out?

The Speaker (Mr. Slade): For reasons that I have given, I think that it is in the best interests of hon. Members that, at the discretion of the Speaker, documents of this kind should be made available easily to hon. Members.

MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

THAT, the thanks of this House be recorded for the exposition of public policy contained in His Excellency's Presidential Address from the Chair on 20th May 1969.

(The Vice-President and Minister for Home Affairs (Mr. arap Moi) on 21st May 1969)

(Resumption of debate interrupted on 29th May 1969 (seventh and last day))

The Speaker (Mr. Slade): Before proceeding with this debate, I have to inform hon. Members that I understand from the Mover, the Leader of Government Business, that he has ceded his right of reply to this debate to the Deputy Leader of Government Business, Mr. Ngei.

The Minister for Co-operatives and Social Services (Mr. Ngala): Mr. Speaker, Sir, I would like to come very briefly and make a few comments on the statement of policy as given by His Excellency the President of Kenya.

I think, first, this nation must be very appreciative of the leadership and wisdom of the President, Mzee Jomo Kenyatta in leading the nation to its present prosperity and respect. Purely with regard to his personal status, the country enjoys a good name overseas. I know this, having just

[The Minister for Co-operatives and Social Services]

arrived from overseas, Gibraltar, the United Kingdom and other places. Therefore, I would like to join hands with those who have in the past expressed similar views in appreciating the leadership of Mzee Jomo Kenyatta.

Mr. Speaker, Sir, in the statement that was made by Mzee, there are two aspects I would like to comment on. First, is the question of discipline and order in the party. This is particularly important when we go towards the general election which is not very far off. The question of discipline and order in the party, Sir, has been spoilt by a few people who are thirsty for power and who are prepared to use the backdoor to make it look as though they have the mandate of the people. This, in a party like Kanu, which is leading the country, is wrong.

I would like to put forward three points in relation to this, Sir. In my view, the party, in order to be successful in the forthcoming elections, must be able to uphold the constitution which has been made by members of this party. There are some people in Kakamega, Mombasa, Isiolo, Manderu and so on who would like to sabotage the party and the constitution of the party. I would like to assure these people that they are heading for a big failure and disappointment because nobody is going to sit back and watch these few puppets spoiling the machinery. Therefore, I would like to say very clearly here, that any people who think that they can do down the party by resorting to backdoor methods are deceiving themselves. As we go towards the elections, we have to stand very firmly with our people against this clique who do not want to uphold the party.

So I would like to advise the House that the idea of upholding the party must be maintained by everyone; that the party constitution must be maintained by everybody.

The other aspect which I would like to speak on is the question of the constitutional officers, the officers who have been properly elected. These must be protected by the party. Several times we have read in the Press, there have been statements coming from the organizing secretary of the party, the hon. Mr. Munoko, saying something which is according to the constitution of the party, and then a little fellow, out of the blue, from the *bundu* comes out and challenges the national organizing secretary of the party. This little fellow from the *bundu* is not even a popularly elected member of the people. So we wonder, Mr. Speaker, Sir, whether this is the order of the day. If it is the order of the day, then we as leaders

of the party have to stand very firmly against such people. It is no use saying that the Government wants this, the Government wants that. The Cabinet Ministers are under the Chairmanship of the President. The Government has not decided anything and nobody should—

Mr. Odinga: On a point of order, Mr. Speaker, the speech which we are hearing, I wonder whether it is not a speech which should be made at a Kanu meeting instead of the National Assembly?

The Speaker (Mr. Slade): Mr. Odinga has a point. The internal affairs of a party are not really the concern of this National Assembly as a Parliament. It is only when we come up to the question of the application of the law which governs registration of parties and registration of party officials and so on, that the matter may become relevant to a debate in this House. I think, really, that is what Mr. Ngala means to get at, the question of the recognition by the Registrar of Societies of certain change of offices. If so, it is relevant. However, any question of how Kanu should organize itself, outside the law, is not relevant to this debate.

The Minister for Co-operatives and Social Services (Mr. Ngala): Mr. Speaker, Sir, I was just coming to that. The backdoor methods of registration, or any complaints of registration of the party, is the responsibility of my colleague who is very well aware of this and very knowledgeable as to what the constitution of the party is. Here I would like to leave it to my colleague who is able to make up his own mind on this. All that I would like to say in this matter, Mr. Speaker, is that the constitution must be upheld. It does not matter whether anybody says here that this reflects the ignorance of the Minister. What I want to say, on the ground, in the Coast Province, in Mombasa, is that everything will have to be redone. Therefore, Sir, this question of exchange of words does not worry me, because people must understand that the constitution of the party must be upheld in the way that will please the people.

I would like to mention another thing. In the policy statement it is made very clear what the question of development involves, and the need for developing the country. Quite a number of people in Kenya do not realize how much progress we have made in the six years since internal self-government in Kenya. We have made tremendous progress, in schools, where the number has gone up from 51 secondary schools when we first got our independence to about 600 secondary schools at the present time. This has taken place in about five years. In the roads system and in all

[The Minister for Co-operatives and Social Services]

other things there has been tremendous progress. Although we have made so much progress, I think very little praise and propaganda is mentioned in this House to give credit to the Kanu Government which is in power. These Members should concentrate more on giving the Kanu Government credit for the amount of progress that has been made during this time instead of dwelling, perhaps, on other things which do not give first things their first place. Mr. Speaker, I know of many other countries in Africa which have attained independence long before Kenya and yet they have not done as much as Kenya has done. I would like to draw the attention of the Members for the need to give credit where it is due, and this is to the Government, the Kanu Government which is led by His Excellency, Mzee Jomo Kenyatta.

Mr. Speaker, I know the Opposition may feel a bit different on this but the Opposition cannot feel otherwise, because they are the Opposition. At one time, I used to be an Opposition Member. I feel, very strongly, that Kenya should be given credit for the development that the Government has done. As Minister responsible for self-help projects, I would like to give credit to the people of Kenya, because, in relation to the self-help projects, 94 per cent, Sir, of the contributions have been made by the people themselves, from their voluntary efforts. Only 6 per cent has been made by the Government. This is a very unique spirit of *Harambee* which has been shown by our people. Therefore, we should also give credit to the people for the effort they have made in making it possible to attain the progress we have so far achieved. I think, therefore, that appreciation should be given to the Government and less criticism.

I also think it is very important, Sir, that I say something about the economic development. I feel very strongly that the Government is right in boosting the co-operative movement, because in so doing, the co-operative movement is the collective effort of the poorer people, and this has made it possible for us to create the capital within the country and, at the same time, allow the participation of the people within their own economy.

With these few words, Mr. Speaker, I would like very much to congratulate the President for the excellent speech he made at the opening of Parliament.

The Assistant Minister for Education (Mr. Khasakhala): Mr. Speaker, Sir, I also would like to join my colleagues who have spoken on this

Motion to congratulate His Excellency the President on his wise leadership given to the country and this Parliament. Under his leadership and guidance, this Parliament has continued to the stage it has reached today, and the country has enjoyed the peace and stability that it is enjoying right now.

I would like to make a few observations. How are we going to create a Kenya that is a Kenya which will enjoy the same stability at any other time in the future? If you listen to many people speaking at different times you hear them saying, "This country is stable because of Mzee". Can we not, as parliamentarians, can we not as leaders of the party, can we not as thinking people find a way in which we can create that Kenya which will enjoy the same stability, enjoy the same leadership at any time in the future in order that no one will doubt the next leadership? This is easily done if we are sincere with ourselves, if hon. Members can take their responsibilities seriously and try to create that leadership amongst ourselves without jealousy, without trying to undermine one another by backdoor methods as the hon. Minister for Co-operatives and Social Services said. It is only through the party machinery, it is only through the constitution of this Government, that a country like Kenya can continue enjoying the stability and peace which we have right now; this can be done if we respect these things. It is no use pretending that we are passing legislation here which is meant for certain individual and that other people may not enjoy the same facilities of this legislation.

Mr. Speaker, I thought that in the Constitution we have made it very clear that a Kenya citizen is a Kenya citizen, whether black, yellow, or brown. He will be regarded as a Kenya citizen. But now, here we find discrimination against other races who live in Kenya and who are supposed to be protected by the Constitution. I think the time has come when we have to be realistic and to look at any person who lives in Kenya, to look upon anybody who is a citizen of this country, who has been given that citizenship by our own Government, to be a Kenyan and not an Asian, not a European. We know they have their colours but so long as they have agreed to live with us here, they have surrendered their rights, the rights of their own countries, we should give them the same treatment as we give to our own people. It is then that this document will have some meaning. The moment we start discriminating against people who are of other races, people who have been granted Kenya citizenship, then this means that we are bluffing people by giving them mere pieces of paper while not making them, in actual fact, people, citizens of this

[Mr. Khasakhala]

country. We should give them the same treatment so that they can enjoy the facilities which are enjoyed by the rest of the Kenya citizens.

Mr. Speaker, I think the Constitution of this country must be obeyed and it should be honoured in all ways. A thief who is a thief should be treated whether he is from my own tribe, or whether he is from tribe X, as a thief; let him be sent to a court of law, judged and imprisoned. There should be no mercy to anybody who is a citizen of this our Kenya because he happens to belong to X tribe or to X race. I think the Constitution of this country—which we passed here—should be respected by all people and by us all. By so doing, we can then create a Kenya, a Kenya that will enjoy the same facilities, the same stability, the same peace, as we have now under the wise leadership of His Excellency, the President.

Mr. Speaker, moving now to my own Ministry, I must say that although some people tend to look aside and not give credit where it is due, the Ministry of Education right now has moved much, much further ahead than we were before independence. If you count the number of secondary schools in the country today, you will see, Mr. Speaker, Sir, that there are many more, more than double the number that we used to have before independence. Therefore, what we need to do is for us, as Members of this House, to be creative and instead of urging our pupils to end after their Certificates of Primary Education, we should urge them to stay. I feel that instead of building more *Harambee* secondary schools we should find ways and means of building more *Harambee* technical schools or polytechnics which can create jobs and train the young Certificate of Primary Education leavers in specific jobs and specific ideas. *Harambee* secondary schools are not going to solve our problems; we are still going on with the old methods of classroom teaching by the teacher for passing examinations only. If we can be creative it would be better. We could get some sewing machines, some carpentry materials, and some other technical things and then build some *Harambee* technical schools in our areas or, what I would call, village polytechnics, and this would go a long way to help our Certificate of Primary Education leavers who are now left in the country to roam about. Let us start another *Harambee* effort in this way, Mr. Speaker. I am sure that this can help the country very much. We have many people who have left technical schools like Sigalagala who are roaming about in the country because they have not managed to be employed with building contractors. We can make use of these people; we can

employ them in our schools so that they can teach our young folk to march forward with some technical ideas.

Mr. Speaker, Kenya as a non-aligned country, it surprises me—and I am saying this with all sincerity—to see that up to this minute that the hospital which was donated and given as a gift to the Kenya Government at Kisumu by the Russians has not yet been officially opened. I happened to pay a visit to this hospital—it is a pity the Minister for Health is not here—and it is becoming filthy and useless and yet it has all the facilities which we do not have in our provincial hospitals. I would appeal very strongly to the Minister for Health to pay a special visit and attention to this hospital. He should give Kisumu Hospital more staff because Kisumu Hospital, as it stands today, is the only large hospital in West Kenya. I have not left my own province and I am now talking of West Kenya. This hospital can cater for people from Western Province, it can cater for people even from Kericho, and people from Central Nyanza. It is the only able and worthy hospital where we can have the specialists like the ones we have at Kenyatta National Hospital to look after our own people there. Let us leave the Russians alone; they have given the gift, the hospital is there, the facilities are there, and we must make use of these facilities.

Mr. Speaker, I would also like to say a few words about the administration. We have, from time to time, been told to co-operate with our administrators which I think is a very good thing, because no country can develop when politicians look aside as independent people and leave the administrators as different people. I think we should co-operate with our administrators—we politicians—so that development in our areas can forge ahead without difficulties.

Mr. Speaker, I would appeal to the Minister for State in charge of administration to divide Bunyore, which is my own constituency, into three locations. I have now in my constituency over 100,000 people, and this can easily be divided into three locations and be given a division by itself. The Higa Division should also be given a sub-district because it is becoming very difficult to administer.

Mr. Speaker, with these few remarks I beg to support.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I have not got very much to add to what has been said already. However, I feel that the speech the hon. Mzee Jomo Kenyatta made was very good and worth commenting on.

[The Minister for Finance]

This country, Mr. Speaker, has gone a very long way in development. If I were to take my portfolio—as it were—the amount of money we started with when I took over the Treasury was less than £40 million; that was our recurrent expenditure at that time. Today, in this financial year that is ending at the end of this month, we are spending about £62 million. If that is not progress, Mr. Speaker, I would like to know what is.

The prosperity in the country has been extremely good; there are areas that have not done all that well, but it is not a question of not getting the support of the Government, it is a question of getting a lot of support from the Government and the people themselves not working as hard as the President has been insisting on us doing. The future of this country lies with us. I was interested in listening to the President's speech on Sunday when he reminded us that we should rely on ourselves and that we should not look to the heavens to get the manna which should fall down and feel happy, because that is not likely to happen.

What this Government has done is shown by its activities: the road programme, the schools—as Mr. Khasakhala was saying—the hospitals, health centres and things like that. Even the increase in Members of this particular House is part of the whole development, so that more and more of our areas are represented here so that we do not get distortion of facts from some areas.

Mr. Speaker, Sir, I only beg to support those speakers who spoke before me, by relating that the speech of His Excellency the President has to be commented upon.

Dr. De Souza: Mr. Speaker, Sir, may I also join all the other speakers in congratulating His Excellency the President on his very lucid and forthright exposition of Government policy.

I particularly want to congratulate His Excellency the President for his campaign against gangsterism and theft with violence in this country. I think it is very important that the Head of State should take the initiative in combating crime which is, in fact, a very serious threat to our progress at the moment. Sir, what is most needed is public opinion. As long as public opinion appreciates that the criminal is not an interesting Wild West story or a gangster film, but is a disease to our body politic which, unless exterminated, will harm the whole of Kenya, unless we have that we will never be able to combat this criminal element. It is very important, therefore, that the public should co-operate with the police to ensure that the criminal element is completely uprooted from our society.

Sir, the President has laid great stress on the question of receivers. It is very important that not only should the criminal be arrested, but also the person who gets the criminal loot should also be traced, tracked down and put into prison. They are the persons who, in fact, encourage the criminal element to do its job. I was very happy, Sir, to see that the President has proposed and given an amnesty to a certain number of criminals. However, I would like to say that we should be assured that before any criminal is given an amnesty he should be sorry for what he has done, and prove his regret by returning the loot that he has taken in those particular raids and not keep it. It is also important to make sure that before a man is given an amnesty and forgiven, he must give the Government the full facts of each and every criminal adventure which he undertook, and be willing to give State evidence to see that those of his former associates who have not surrendered are, in fact, traced and put behind bars. Unless this is done, unless they really co-operate with the Government to make sure that the criminal element is uprooted, we are not really achieving very much. In fact, we may find that a person who has the police hot on his heels finds it much more convenient to go and surrender and say that he is taking advantage of the amnesty, rather than be put in prison. Therefore, we should make sure that the amnesty achieves what it sets out to achieve.

Sir, I do want to congratulate my friend whom I have just heard, the hon. Mr. Khasakhala, for a very statesmanlike and forthright speech which he made just now on the necessity to abide by the Constitution and the Bill of Rights, to ensure that every citizen in this country is given complete equality of treatment. Equality of treatment, that is, not only on paper, but also in the very fact and administration of our country. In this connexion, Sir, I would like to draw attention to two important aspects. One is—and I say this without any regrets because I have raised it many, many times—that we must see that our Immigration Department, at last, tries to rush and process all those application forms for registration of citizenship which were made before 1965. It is quite disgraceful, Sir, that we have had to wait for four years and more and people who applied—in fact under the Constitution—for citizenship have not yet got their papers processed. I know we have been told here that applications for citizenship have been processed. This is not true. I, myself, have written at least 25 letters to the Immigration Department. They are never replied to. I go there myself and every time I am told to wait a minute because they are looking for the file, and then later they tell me that they will

[Dr. De Souza]

ring me back tomorrow, but they never do. Almost every week I make a daily pilgrimage to the Immigration Department and they do nothing at all. It is no use some of the officers saying they are doing their best, because there is only one man, and I repeat, there is only one man, Sir, in the Immigration Department who is supposed to deal with cases of citizenship, and I am afraid one is not enough. The Government should either say that all those who have not been given citizenship are not going to be given it, so the persons concerned will know what to do.

There are very many people, Sir, who have applied for citizenship by post as they were told to do, by registration, and when one goes to the Immigration Department the person is told the papers cannot be found. What are these people supposed to do? They cannot go round and find their papers in the Immigration Department. What is the filing system there like? It is obvious that this department requires a considerable amount of overhauling, and I would earnestly request, Sir, that the Minister should do something about it.

Very important at the same time, is the question of work permits. Those people who applied in time are often being dismissed from their jobs because they do not have work permits. How, on the one hand can we say there is equality of treatment and yet people who are citizens by right, according to the Constitution, are not even allowed to work and support their wives and children, and families, just because somebody is totally incompetent in processing their application papers? This is something, Sir, which cannot be allowed to continue. It is a joke no more. It used to be a joke for many, many years, but for those poor people who are almost starving and who want to support their wives and children, it is not a joke. It is a very pathetic story and something should be done about it.

Further to that, Sir, is the question of the Trade Licensing Bill. We fully support Africanization in commerce and industry; we fully support this and we have supported it all the time. By all means they should Africanize the non-citizens but why Africanize citizens who, in fact, have no other home to go to, who have abandoned their nationalities? I know of a number of cases just now where the Appeal Tribunal, which we have appointed, have approved licences which have been countermanded by somebody in the Ministry of Commerce and Industry. These are cases in which the majority are citizens, and in one case which I know of today, it is 100 per cent citizens who own the particular firm and they

have been told to close down. No reasons whatsoever have been given. Surely, if they are citizens and they have the right to earn their bread and butter, they have the right to live, they have the right to live honestly, they have the right to maintain their wives and children, and how are they going to do so if they have to close their shops? I know, Sir, of cases in Victoria Street where, I am told, there were five textile firms, four were owned by non-citizens and one was a citizen-owned shop, and only the citizen shop was asked to close down. Why is this? Why cannot we close down the non-citizen shops? I notice the same thing has happened in the Bazaar in a number of cases.

This is grossly unfair. We would like to know how many appeals were upheld by the Appeal Tribunal, and how many of those appeals upheld by the tribunal were, in fact, summarily rejected by the Minister. In fact, I asked the Minister at that time to go through the appeals. Who then has countermanded the Appeals Tribunal without sufficient reason? We would like to know why they have been countermanded, and on what grounds the Appeal Tribunal's recommendations have been totally disregarded.

Now, Sir, the other point is that while we say we want to do this, we see new shops being granted licences to non-citizens all the time. We see the Inter-Continental where all the shops, so far as I can see, are belonging to non-citizens. If we really want to get Africans into shops, why do we not see that all the new buildings which are going up today have shops only for citizens, or even Africans? Where is the logic I ask you, Mr. Speaker, in telling a firm which has been for 30 or 40 years in the Bazaar or in Government Road to close down his shop because we say we want to put Africans there, and of then allowing non-citizens who have nothing to do with the shops to open new shops in the Inter-Continental or the other places? Do we have any guarantee that in the shops, for example, in the Hilton Hotel, or in any of the new buildings which are coming up, that only Africans will be allowed to open shops? I have no objection to this. Let us make sure that the new shops in the Inter-Continental, in the Hilton, and in all the new buildings, that Africans are allowed to open up there. Why do we have to discriminate against citizens and yet, at the same time, we allow non-citizens to flourish freely? I do feel this is hypocrisy at its worst, for on the one side we say we are Africanizing when we are not really Africanizing. All we are punishing is the poor non-African citizens. I do want to appeal to the Government to take this seriously, because it is very disheartening for somebody like myself, who has championed the

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cause of this country over and over again, who has assured people that if they take up citizenship then they will be free, only to be reminded again and again by people asking me what is the use of my requesting them to take up citizenship because they are now starving because they cannot run their business? I appeal to the Government to do something about this.

Thank you.

The Assistant Minister for Agriculture (Mr. J. M. Kariuki): Mr. Speaker, Sir, I am also rising to support my friends who have spoken at length in connexion with the Presidential Speech.

I know that my Ministry has been attacked on some points and I think it is important for me to try and clear up some misunderstandings.

Mr. Speaker, Sir, one of the items I would like to talk about is coffee. Every Member knows that coffee has been Kenya's most important export crop for a long time, and in fact will

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

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

continue to be so for quite some time. Members will recall that this crop was attacked very heavily by Coffee Berry Disease, and the subsequent reduction in yields of coffee has caused many farmers a considerable reduction in their own income. We are doing everything we can to help our farmers in this respect. At the time of independence, in 1963, my Ministry had plans to expand the acreage then under coffee. But like any other agricultural commodity, the world market for coffee reached the over production stage, and we had to curtail our expansion. At the same time, my Ministry was engaged on the exercise of reducing our reliance on coffee as our main source of foreign exchange by introducing new cash crops such as macadamia nuts, passion fruit and so forth.

We are, at the moment, laying great stress on the importance of the improvement of coffee in the country today, in order that it may fetch a better price than the one we are receiving today. This programme, Mr. Deputy Speaker, will definitely go right ahead to help the farmers obtain a better yield.

Coming to tea, Mr. Deputy Speaker, which is an item I feel the Members would like to know more about. Tea is Kenya's second most important cash crop, next to coffee. My Ministry undertook to expand tea production in the small-holder areas as a substitute to coffee, which, in fact, we could not expand any more because of the International Agreement—

An hon. Member: That's no explanation. Give us the reasons.

The Assistant Minister for Agriculture (Mr. J. M. Kariuki): If the hon. Member would care to listen instead of jumping in then he would find that I am explaining the reasons. This is because of international control. The small-holder programme under the Kenya Tea Development Authority is still in its initial stage, and we still have more to do to make tea a viable undertaking. As the Members are aware the devaluation of the B£ hit our tea industry very hard indeed, more so than any other commodity in Kenya. The United Kingdom is one of the biggest tea consumers and we could hardly do anything about it because we sell most of our tea to the United Kingdom. The latest development on the world market in tea indicates that the supply of the commodity is increasing at a faster rate than the demand itself. This recent development, as the hon. Members all know, was the subject of a conference which was held in Rome last month. All the Members know that Kenya went to negotiate and to discuss with other tea-producer countries, in connexion with the anticipated tea quota in the world. Our stand is well known, and that is we decided to stand firm so far as the small-scale producers of tea are concerned in order to give them a better market, and also to enable them to continue expanding. As I have rightly said, we feel that these developed nations should not try to stand in our way when we want to develop in this kind of cash crops, like tea and other very important crops which bring in foreign currency.

I can assure the hon. Members that our small-holder programme on tea production will continue, and we will continue planting until we complete it even in the case of an international agreement.

My Minister has appointed a small but powerful working committee to look into the problems now being experienced by the tea growers, and to make recommendations for necessary action by the Government. I can assure the hon. Members that all necessary action will be taken so as to help the farmers to reap quite a lot of profit from their sweat in their *shambas*. The situation on the world market will be kept under review, and I can now assure the hon. Members that they will be kept in the picture by my Ministry as to how the development is going on with regard to tea.

I would now like to turn to another point, Mr. Deputy Speaker, and that is the pyrethrum industry. Hon. Members are aware that there is a vital role which the pyrethrum industry has played in revolutionizing the agricultural development in

[Mr. J. M. Kariuki] the smallholder areas, and the part it has played in the success of several of our settlement schemes. My Minister gave this Parliament a statement on the latest development in connexion with this industry last November, particularly in connexion with synthetics and I do not need to elaborate on this.

The threat from synthetics is still there even today, and is increasing every year. We are determined to make ourselves competitive on the world market by reducing our costs. Hon. Members should not spare any efforts in helping us achieve this very important objective in their own areas.

The Pyrethrum Marketing Board has the problem of increasing the quality of the crop in order to reduce processing costs. The success of this programme is going to depend on the co-operation we receive from the co-operative societies by informing the producers and growers of this.

Mr. Deputy Speaker, I must give—because, as His Excellency the President said, this might be the last Presidential Speech before we go to the elections—I must comment on one very important point, and that is that we, as hon. Members of this Parliament, must look back over the last six years and see what we have achieved in this country. I still believe that the Kanu Government has achieved quite a lot. We have given our people free medical services in the country. We have reduced costs in education. We have really built quite a lot of roads, and there has been other development like hospitals and so on in the country. It is the responsibility of all of us, the Members of this Parliament, to go and explain this to our people so as to make them understand and make them know what their Government has done, rather than coming to this Parliament and start criticizing things among ourselves. They must realize that what they are going to do today, what they are going to criticize in their own Government today, will one day bounce back on themselves. The thing is we must work together, and we must explain to our people, because it is we, as future candidates, who will have to stand in front of our constituents and say what our Government has done. We cannot expect to speak with one voice today and then go and face the electorate and tell them something different. We have to start from here.

Mr. Deputy Speaker, I would also like to say that some of us have been accused in this Parliament, and outside, by some of us, perhaps due to our generosity to the people, and I would like to say this to all those critics of many of us who are trying to help the self-help projects in the country, that man comes into this world without

his own consent, and, in fact, will leave it without his own consent. When he is on this earth he will be misjudged and misunderstood. In infancy, he is called an angel. In boyhood, he is a devil. In manhood, he is a fool. If he is a bachelor, he is inhuman and mean. If he enters a public house he is a drunkard. If he stays out, he is temperate, fanatic and they may even call him a miser. If he is poor, then they say he has no brains. If he is a rich man, then they say he has all the luck in the world, and he is also a crook. If he goes to church, he is a hypocrite. If he stays away, he is a sinful man. If he gives to a charity, or does a good turn, then people say he is doing this for self advertisement. If he does not, then he is called a stingy and mean man. When he comes into the world as a “baby” everyone wants to love and kiss him, but once he is grown up, what happens? Before he departs, everyone wants to kick him away. If he dies while he is still young, then they say there was a great future for him. If he lives to a ripe old age everybody then says he has made a will.

So, Sir, what is more important in this world is to do what is right irrespective of what other people say.

The Deputy Speaker (Dr. De Souza): No other Member wishing to speak? I will call upon the Mover to reply. I think Mr. Ngei is replying on behalf of the Government.

The Minister for Housing (Mr. Ngei): Mr. Deputy Speaker, I must confess that I have been taken by surprise because I was just sitting down to have a rest. It is amazing that the hon. Members who showed a very keen interest in the debate are not here to listen to some of the very important replies to be given. Mr. Deputy Speaker, somebody is asking me if I am replying. I am replying.

Mr. Deputy Speaker, when His Excellency the President, Mzee Jomo Kenyatta, opened the current session of our Parliament a few days ago, he reminded the hon. Members of their enormous responsibilities as leaders of this country. Mr. Deputy Speaker, if I may, I would like to quote the relevant passages of His Excellency's speech. The President also emphasized the necessity for a full play of judgment and constructive criticism which any reliable, responsible and honest Government is not afraid to listen to, and also the full contribution from us all, that is including the Back-benchers of the ruling party.

Mr. Deputy Speaker, Sir, the President emphasized the question of constructive criticism and made it a duty to the nation, and of course, a duty to this House.

[The Minister for Housing]

Mr. Deputy Speaker, when I finish this, I would like to dwell on some of the baseless allegations which have been levelled in this House. If I may go quickly, Mr. Deputy Speaker, to page 5, paragraphs 3, 4 and I quote—

“As we move towards the 1970's there are certain attitudes of mind that I wish to see adopted by Ministers of the Government, hon. Members of this House, Officers of the Public Service, Trade Union Leaders, and all who hold positions of influence or responsibility.

Having laid all the foundations of a modern State, Kenya must progress now. I want to witness and to feel harder work and more practical effort being made by all who carry the burden—and also the privilege—of public leadership. There must be more decisive and virile conduct of public business in many departments of national endeavour. We can in no sense afford to try and live on slogans or self-congratulation.”

Mr. Deputy Speaker, following that and stressing on the national endeavour I would like also to quote page 1 paragraphs 2 and 3, which is very important to Members of Parliament—

“Within the framework of the business of this House, there must be and always will be scope for the full play of judgment and of conscience, constructive criticism, even of a robust nature, as a part of their contribution. In a House now sufficiently experienced, there should be fewer parochial attitudes, far less automatic condemnation, or baseless and sometimes marathon attacks by hon. Members on the Government to which they are committed by popular mandate, to support with loyalty and striving. There should be no wild allegations rooted in ignorance, or in failure to study the implications of some issue.”

Mr. Deputy Speaker, Sir, this is the basis of my reply today on behalf of the Government. Of late, in this House, it has come, to the notice of the public and of the House that Members have criticized the Government. One fact must remain that the Members of this House are part and parcel of it and therefore are within the ruling party which is the Government and they can not under any circumstances, shun the responsibility of leadership with which they have been entrusted by their electors. The electors are now expecting or, in the last six years of Government, they have now come to the conclusion that they expect responsible leadership and guidance from Members of this hon. House.

All I am saying Mr. Deputy Speaker, Sir, is: being a Member of the Government or being a

Member of this hon. House, then what stops the Members from taking the grievances of their own constituencies to the respective Minister? Why do they not come to us because we are part of them as we also go to them, and tell the Ministers or Assistant Ministers or the Government officials, the officers of the Ministries, that they want certain projects in their own constituency? One wonders why of late we have had this sort of thing. Of course, we know that the forces of disunity are at work all the time. One wonders why there should be what may be termed—a small rift between the Government and the Members of Parliament within the Government. This is the emphasis and is why I am saying that the hon. Members must be aware that the forces of disunity are at work all the time and this is the crux of the whole matter, to try and encourage the forces of disunity in order to destroy our young prosperous nation. Who will try to destroy the country, the nation? All the hon. Members are very responsible people who know they are here for the well-being of the people of Kenya. To try, within the Government—this is the question Mr. Deputy Speaker, Sir—within the Government, to encourage the forces of disunity is like killing oneself and this is a very important thing that hon. Members must take into consideration.

Mr. Deputy Speaker, Sir, an elderly and powerful statesman like our Leader has all the honesty needed in the world to congratulate the Members on their maturity—it is here—the Leader of this country, the Head of State, the Leader of Government has a clear conscience and the honesty to tell the Members that we are now grown up and have attained in this six years, maturity, we know how to run the Government. Political maturity, I am not saying anything else—it is maturity which carries along with it guidance, leadership, and honesty. The Mzee said, here in the House, during his speech, that hon. Members are now responsible people. Why then is there this turn of events? This is the question, Mr. Deputy Speaker, Sir—

Hon. Members: What are you referring to? Turns? What are they?

The Minister for Housing (Mr. Ngei): I said “turns” and this is what I am asking you to tell me. I want to ask my fellow hon. Member whether we are carrying the burden equally, whether we are responsible to lead the people of Kenya into light or darkness. The Opposition which is quite irresponsible—I can say so—Members of the Opposition, not Members of the ruling party—the hon. Members of the ruling party have shown some signs of leadership and

[The Minister for Housing]

maturity for which of course I must congratulate them—they have shown this by bringing into light strong criticism of the things that the Government ought to do but they did not show—I am coming back to the Opposition—what the Government has done. There are only a few Members who had the courage to say what the Government has done. I am not replying to the Opposition, because there is nothing to reply to there. They spoke and spoke of nothing and I would like to say there was nothing constructive. Of course, they always labour in destroying all the time, but they cannot destroy what we have built in six years' time and which is going to be built next year after the Kanu Party wins the General Election.

I now want to come to some very important things of which the most important thing is corruption. The Members voiced their concern about corruption and I want to say this on behalf of the Government. We would like the Government not to entertain corruption and I repeat; Government will not entertain corruption. I want to state clearly on behalf of the Government that drastic action will be taken to see that the culprits are dealt with severely when the evidence is available. Every Member of this House is responsible and is called upon to assist by bringing evidence that shows that a certain individual has been concerned in corrupt practices and I can assure this hon. House that drastic measures will be taken. Already the Attorney-General revealed the other day, during Question Time, that 17 of our people, who have been charged with corruption have been dealt with severely. I will repeat here, emphatically, that Government is going to deal with these corrupt practices and stamp them out. There is one danger, Mr. Deputy Speaker, Sir, that hon. Members must be told clearly, and they know it, that wild statements and generalized statements on corruption are going to mar the image of this country and it is going to spoil the welfare of the people of Kenya economically, socially, and politically.

I have Press cuttings which I have been sorting out, Mr. Deputy Speaker, which I have tried to get from all over the world. One says from *The Times* of London—"Kenya condemns talk of corruption". And then you have another from a Tanzanian paper—"uproar in Kenya Parliament"—and then I have, Agencies French Press which of course, as I understand is the *Agence Francaise* in French, and then you have *Riuta Transmissions* on the debates here and other numerous papers reporting various speeches in this House. Here you have the *Daily Telegraph* of 27th—"corrup-

tion in Kenya Civil Service"—and another from *The Times*—"Kenya corruption claim discounted", "Kenya charge of graft and corruption". You have got them here, Mr. Deputy Speaker, Sir, let the hon. Members see. This is the image which has been brought to this country by our very wild allegations that are going to mar this country, if we go on in this way.

As soon as a country like this is stable, which enjoys stability under the leadership of Mzee Jomo Kenyatta, we have no doubt of what is coming in. Look at these big hotels. Do you think anybody is going to invest money in a country when he knows that it will erupt in a few months' time and his money will be completely gone? Tell me, today in those countries where there is trouble whether anybody is prepared to go and invest his money there? When the money is brought here, it does not mean that we are being colonized economically. When investments come to this country, and when truth itself shows up, and people come in, then we enjoy the facilities of getting foreign exchange coming in—having foreign money coming in, then we enjoy facilities of extended employment to our people. If we are going to scare this thing, we in this House are going to have to answer for it. You may all be faced by numbers of your people from your constituency asking you to provide jobs for them. This is very serious because they will tell you: "You told us that when you go to Parliament you will give us all the help possible, and therefore we want employment". This is very important, Mr. Deputy Speaker, Sir, someone is saying "free education". Can I request the hon. Tsalwa to read the speech of Mr. Nyerere of Tanzania who said he does not see the future for free education in the Republic of Tanzania earlier than 1989 or even later. Even on the question of removing Standard IV education which we removed some years back—is only now that the Government of Tanzania is thinking of removing Standard IV education.

Mr. Deputy Speaker, the hon. Member must be informed of the number of secondary schools that we have as compared to the static position we had before, and he will be ashamed. We are far advanced and have a marathon state of progress as far as education is concerned. This Mr. Deputy Speaker, Sir, the hon. Member must be informed when he interrupts.

Mr. Deputy Speaker, Sir, I want to come to the question of corruption and say that every hon. Member must be called upon to assist. If you know of any cases, you should go straight and inform the police. This would be straight forward.

[The Minister for Housing]

Mr. Deputy Speaker, Sir, I was speaking about the action on overseas countries who give us help, and now I would like to come to an important thing which was an accusation in this House. Accusations in this House, Mr. Speaker, Sir, on tribalism, nepotism, and brotherization. Another relevant complaint which has been brought to the House. I think if you are a member of the Luo tribe—

The Deputy Speaker (Dr. De Souza): Are you trying to attack a particular tribe?

The Minister for Housing (Mr. Ngei): Let me put it this way Mr. Deputy Speaker, Sir, I remember one very famous moral re-armament ideology that when you point one finger at your hon. friend yonder, there are four other fingers pointing at you. I want the Member to remember this. I, Mr. Deputy Speaker, Sir, to be very frank, have the statistics here, I have been reading, I know. If I Mr. Deputy Speaker, Sir, told the hon. Members that there was tribalism and nepotism in a particular area then, the same four fingers will be pointing back at me. They will say you are committed by the army

. (Inaudible.)
It can be said that my hon. friends over there and they are all on statutory boards of the Government. They employ their Luo, Luo, to the end. Where do we end? The best thing is to suggest to the Government a method or, if it is a relevant complaint, to bring to me. If it is this question of nepotism, brotherization, let it be brought to the Government for the Government is not refusing to sort it out.

Now, I would like to tell the Members of the ruling party that of late we have done very well. Bring all your complaints to the Kanu Parliamentary group, including complaints of brotherization, nepotism and whatever else it is and it will be sorted out. We are not prepared to show our inside cause before the Opposition Leader, the hon. Odinga. We can sort out our own measure, and we can leave them to talk by themselves. Therefore any Member who has a specific complaint, please bring it to our Parliamentary group. Mr. Deputy Speaker, Sir, since the little hour glass is running out of sand very fast, I would like to say a word about the Civil Service before I come to other details on accusation to various Ministries.

Mr. Deputy Speaker, Sir, everybody needs a pat on the back to encourage him. Even a dog needs a pat from its master. Therefore, Mr. Deputy Speaker, Sir, a word of thanks must be recorded in this House for the good work that has been done since independence by our Civil

Service. We cannot, because of allegations, say that the whole lot has gone rotten. They have done something, they were given a big burden since independence to carry. They have carried the burden marvellously well and there is no doubt about this. I would like to ask the House to pass a word of thanks to the Civil Service to tell them to continue, but to be vigilant against malpractices, if there are any.

Mr. Deputy Speaker, Sir, rebuking civil servants will demoralize and destroy the Government machinery. This is the executive arm of your own Government and you cannot allow your right hand to be cut off from your body. The civil servants are a very important part of our body and we must pat them on the back and thank them for the good work they have done since independence.

Mr. Deputy Speaker, Sir, I would like to ask the hon. Members to allow me to continue so that I can lay some facts here on some accusations about loans so that the Government may be clear of this. Mr. Speaker, Sir, the Members have no objection.

The Deputy Speaker (Dr. De Souza): How many more minutes would you like, Mr. Ngei?

The Minister for Housing (Mr. Ngei): About ten or twenty, Sir.

The Deputy Speaker (Dr. De Souza): I will put the question, I think ten minutes would be all right. I will put it to the House to ask leave of the House. Does the House give leave for an extra ten minutes so that Mr. Ngei could finish his speech?

Hon. Members: Yes.

The Deputy Speaker (Dr. De Souza): Yes the House has agreed.

The Minister for Housing (Mr. Ngei): Mr. Speaker, this is a very good sign and shows how Members appreciate getting the facts, and I thank them very much for allowing me to continue.

Mr. Deputy Speaker, Sir, I was finishing with the Civil Service and I would like this House to accord the Civil Service a good word for what they have done. Now I come to some specific points that have been made although the Minister has mentioned some of the points, but there were some which we cannot leave unanswered. There was for example, my hon. friend, Mr. Somo, Member for Lamu, who spoke about the Kenya Inshore Fisheries Limited. He said that local people have been removed and Kikuyu have replaced them. He said that the general manager is a Kikuyu from Kiambu.

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

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

[The Minister for Housing]

I want to show this House Mr. Speaker, Sir, that Members do real homework before they make these allegations. I want to prove that some of these are false and, therefore, Members must be really responsible before they make such allegations.

Mr. Speaker, Sir, Mr. S. Njeru, is the General Manager of the Kenya Inshore Fisheries Limited. He is not from Kiambu, he is from Embu. He comes from the district of the hon. Munyi, and hon. Nyagah. Therefore, he has been given this work because he is capable. Mr. Somo accuses the board of directors of being full of Kikuyu. This House must now be told about it. The board of directors is composed of the following. Hon. R. S. Matano, chairman, Mr. A. M. Jeneby, director, Mr. J. B. Wanjui, director, Mr. B. M. Cindwell, director, Mr. F. A. S. Adwinburg, director and Mr. Hydes.

This is a partnership company which is as follows.

Kenya Government has 51 per cent, Coastal Agencies 13 per cent, Ross Group 36 per cent, which was formerly a British company which has put money in with the Kenya Government.

Now the company has a total of 80 employees and 40 of them are made up of the coastal people. There are also nine from the Central Province including Nyanjeru; 12 from the Eastern Province and 19 from other areas of Kenya and overseas. Therefore, non-Kikuyu are in the majority. Now the amazing part of it, for I can read and quote the HANSARD which I have here. Hon. Somo accuses and he does not tell us the truth, Mr. Speaker, that he has an interest. I have a letter here from Nairobi signed by Mr. Matano, and another one from the Ministry signed by the Permanent Secretary, inviting the hon. Somo to be a member, a Director of the Board of Governors. Why didn't the hon. Somo tell us himself? It is here, Mr. Speaker, the invitation, but they are classified documents, and so, I do not want to lay them on the Table.

The Speaker (Mr. Slade): Mr. Ngei, I must explain, any document which an hon. Member wishes to refer in this House, must be laid on the Table. If it is too confidential for that it should not be mentioned.

The Minister for Housing (Mr. Ngei): There, Mr. Speaker, I can lay it on the Table, for it is only a normal letter, Mr. Speaker. It is my understanding that the Board of Directors have also agreed to invite the hon. Somo, M.P., to take part in the deliberation of the board, and this is a copy to him. "The hon. A. Somo, M.P., P.O. Box 773 Mombasa". It is dated the 15th July 1966, Mr.

Speaker, Sir, and then there is another one of 22nd July 1966, and there it is on the Table. Therefore, when a Member makes a wild allegation, one ought to be careful, because it clearly misleads the Government.

(The hon. Member laid the letters on the Table)

I want to come to another very important thing, Sir, and it is on the question of loans. Hon. Tuwei, I remember very well, Sir, said that one has to pay Sh. 400, Sh. 300 and one gets a receipt, and then one is rejected repeatedly. Mr. Speaker, Sir, here, I have told the Development Loans Board, Central Province, a number of loans and loanes which were 101, and totals approved amounted to Sh. 1,122,000; Sh. 453/55 North-Eastern and so on; Eastern Province, Sh. 1,623,000/55, and for Rift Valley, where the hon. Tuwei comes from, is Sh. 1,757,000. Rift Valley gets more, it is misleading and the hon. Member is making a mistatement, when he makes an allegation that they are not getting loans. For Central Province, I said, Sh. 1,122,000 and, you can see here. Western Province is getting Sh. 484,000 because they do not ask for anything.

An hon. Member: What about the Coast?

The Minister for Housing (Mr. Ngei): Mr. Speaker, half a million Coast. Anyway, the figures are here. I have also figures on property loans put up in provinces, Nairobi, Rift Valley, Central, Eastern, and Nyanza. It is here. The money spent on buying commercial loans, is all here and I can lay these papers on the Table. So you can see the allegation is unfounded.

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

Mr. Speaker, Sir, I want to come to the third point, the ownership of property. Mr. Speaker, Sir, I have also another list of agencies of sugar co-operatives according to provinces, and I have some papers that I can lay on the Table for my old friend and of course, some of these belong to Matara Trading Company, and we know who is Matara Trading Company.

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

Mr. Speaker, Sir, I want to come to the question of National Trading Corporation property. In our Constitution, it is clearly stated that—anyone including a civil servant, and I repeat, in the Kenya Constitution, it stipulates that anyone including a civil servant, can obtain property. Mr. Speaker, Sir, for those who work very hard; for those who save their money, and for those who have the initiative to buy property, what prevents them from buying? If the Members want to change that Constitution, then let them bring suggestions here, and we shall study it, and, of course, if the House decides what sort of pattern

[The Minister for Housing]

we shall follow, but so long as the Kenya Constitution, which has been approved by this House, stipulates that anyone can own property, it shall be so. Then there is no way in which our Government can especially exclude the civil servants from owning property. I think, Mr. Speaker, this is very unfair, for they work very hard; they insure their lives in life policies, and they deposit this to buy property, and therefore, let the sleeping dog lie. Those who want to mess around and they do not want to work hard, it is their own affair. Let the gentlemen who are full of initiative, like the hon. Leader of Opposition, who owns several boats in Kisumu, and owns property which I know—

Mr. Odonga: On a point of order, Mr. Speaker, can the Minister just actually mention a few of my properties which he is talking about?

The Speaker (Mr. Slade): Yes, Mr. Ngei, can you substantiate?

The Minister for Housing (Mr. Ngei): Mr. Speaker, I know quite well, unless and until this afternoon the hon. Odonga may have changed his title to his own wife, that he owns several houses here. I am the Minister for Housing and I know he has several houses in Kisumu and in Nairobi.

The Speaker (Mr. Slade): Order! Be more specific, Mr. Ngei.

The Minister for Housing (Mr. Ngei): He has one property, Mr. Speaker, around Kileleshwa where he used to live, and he has another one at Kisumu which is near the Ofafa Memorial Hall. What do you say about that, Sir? Mr. Speaker, Sir, all I have said, according to the Constitution, we are allowed to own property, including the Leader of the Opposition, and therefore, I beg to support the Motion.

(Question put and agreed to)

BILLS*Second Reading***THE SPECIAL PENSION (MR. ODONGO) BILL**

The Speaker (Mr. Slade): Mr. Balala, the consent of the President has been given to this Bill?

The Assistant Minister for Finance (Mr. Balala): Yes, Mr. Speaker.

Mr. Speaker, Sir, the purpose of this Bill is to make provision for granting a pension and gratuity to Benjamin Ezekiel Odongo in respect of his military service. Mr. Odongo joined the then King's African Rifles as a clerk on 15th February 1935. He served with the armed forces during the 1939/45 war and on demobilization joined the Civil Service of the Government.

Under the provisions of the Pensions Act, Cap. 189, pensions or other retiring benefits can only be awarded to persons who served the Government in a civil capacity. Prior to 1939, however, the Civil Service with the then King's African Rifles was regarded as Government service in a civil capacity and attracted retiring benefits. Apart from this, military service cannot be taken into account for civil pension purposes except under regulation 19, now repealed, of the Pensions Regulations which enabled persons who, prior to the 1939/45 war, served on a permanent basis with the Government and who served with the armed forces during the war to count their services as pensionable service. Mr. Odongo's service with the King's African Rifles prior to 1939 was not pensionable service by virtue of his enlistment for general service, since by that fact he did not technically serve as a civilian and could not, therefore, earn a pension under the Pensions Act. For the same reasons, his military service during the war could not be regarded as pensionable service. This fact was not appreciated and a written undertaking was given to him in 1948 that that service and the war service could be taken into account as pensionable service under the Pensions Act.

In view of this the former Council of Ministers agreed in November 1962 that the pension payable under the Pensions Act to Mr. Odongo on his retirement from the Civil Service should be enhanced *ex gratia* by the amount of his King's African Rifles service, prior to 1939 and his war service would attract, as though he had originally been appointed in 1935 to the old Arab and African clerical service.

Mr. Odongo has now retired with effect from 15th August 1968 and granted a pension of £586.15.15cts. per annum and a gratuity of £2,444.16.90cts. The *ex gratia* enhancement of that award amounts to a pension of £293.7.50cts. per annum plus a gratuity of £1,222.7.90cts.

Clause 2 of the Bill, Mr. Speaker, therefore, seeks to ensure the proposed *ex gratia* additional pension and gratuity to Mr. Benjamin Odongo from 15th August 1968, the date with effect from which he retired from Government service.

Clauses 3 and 4 are identical to the purpose of the Bill.

I beg to move.

The Minister for Information and Broadcasting (Mr. Osogo) seconded.

(Question proposed)

Mr. Khaoya: Mr. Speaker, Sir, I am glad that the Assistant Minister for Finance has raised this issue of Benjamin Ezekiel Odongo. This is one

[Mr. Khaoya]

way of the Government demonstrating that they are human and for that reason I am going to congratulate them.

Mr. Speaker, what I would like to raise in this House this afternoon is the few other aspects which come up when we receive a case of this nature. Surely, one is entitled to ask how the Minister or the Assistant Minister came to know about the case of this Odongo. Is it because Mr. Odongo wrote, and wrote persistently, to the Ministry? If that is accepted, then there must be very many others like Mr. Odongo who have fallen along the pipeline without coming to the notice of the Ministry. I think here is a question of the Ministry where we should ask them to go and re-examine all the civil servants who did their work prior to independence, to see that their pensions and gratuities are brought up to date. Unless we do this, Mr. Speaker, I am sure every now and then we are going to be faced with a single Bill. This time it is the Odongo Bill, next time it may be the Khaoya Bill. Next week it may be the Ojuwok or Kamau Bill. This will be tiring. What we require is a guide-line. Say, we work on a principle, we approve that principle, then the Civil Service can use that principle as a guide-line. Mr. Speaker, what I would have thought would be reasonable is for the Ministry to use Mr. Odongo's case as a basis for introducing here a rule that in future any of those civil servants who worked in the military service, like Mr. Odongo, and were not given a pension or a gratuity be given that pension or gratuity forthwith. There would be no need to bring other Bills here for approval by this House.

Mr. Speaker, I know that this is an important Bill; but when I listened to the Assistant Minister I observed that he did not appear to have gone thoroughly into his exercise. One other thing which I noticed is the basis on which this sum was calculated. For instance, the Assistant Minister, is in fact, asking for a pension of £293.7.50cts. per annum, and also a gratuity of, say £1,222.7.90cts. How did he arrive at this figure? Why did he not arrive at a figure of £1 million? Why did he not arrive at a figure of £50? Why did he arrive at this particular figure? As a responsible House I think we are entitled to know how exactly he worked his figures, whether he was working on a particular percentage, or whether, as is explained here, there is some *ex gratia* payment which may be just an arbitrary figure. If it is arbitrary, then is the Ministry satisfied that this figure is going to make this ex-civil servant feel comfortable? How did they come to this figure anyway? I think we are

entitled to hear from the Ministry before we can give our consent.

Mr. Speaker, this is a very straightforward and simple Bill; but, as I have said, it raises a very big principle. It is not just a question of Mr. Odong, it is a question of the whole Civil Service, the people who have worked and have not been paid sufficiently. I am now asking the Government to go back, make a good exercise, bring up a clear suggestion as to what will be done in future to civil servants who will be in the same circumstances as Mr. Odongo.

Mr. Speaker, I beg to sit, waiting for some explanation from the Assistant Minister.

Mr. Lubembe: Mr. Speaker, I have very few comments to make here. In the first place I would like to agree with my hon. friend, Mr. Khaoya, that we need some explanation as to how this figure was arrived at. I am sure that the Assistant Minister will be able to give the explanation.

There is another very important point, Sir, and this is the question— When such a Bill is brought before the House, we should be told whether the amount of money being paid to this particular gentleman is tax free or is taxable. We must know, if it is to be taxed, how much this man is going to get.

I am not aware whether army people are exempted from paying tax. Since this is now being mixed up with some of the services this man might have rendered when he was with the Civil Service, it is necessary that we know whether that amount of money that is to be given to him for the time when he was with the army is taxable, and whether the amount being given to him for the time that he was a civil servant is not taxable. Mr. Speaker, Sir, we must know how much this will be.

In supporting my friend I would like to say that it is not good for us to continue to publicise the amounts of this money here, how much one is going to get, and so on, every time this money is to be paid. It is necessary that we have a law covering all these people so that when cases of this nature arise the Government does not need to come here with Bills. We do not need to have it publicised who is going to get this money, and how much. Mr. Speaker, this country is going through a difficult period, where many people's money is being robbed. People with money are very scared. When it is known that somebody is going to get Sh. 20,000, and that he may have it in his house or a bank, then when he is seen going to that bank, these people who slaughter other people because of money, keep an eye on him. They will think that he is going to withdraw

[Mr. Lubembe]

the whole amount and will catch him, cut his neck and take the money away. Such things have happened.

It is no use bringing this thing here piece by piece for various people who have served the Government. When the Minister wants to pay a pension and gratuity for special services, he should have a Bill covering the whole lot of such people so that he does not need to come to this House every now and then with Bills for these things. This can be very dangerous. Let us get rid of this by having just one Bill to deal with this particular question.

One last point which I think is necessary is this. Mr. Odongo retired last year, in August. All this time this money has been kept there, pending. In my view he must have been pressing for it. I feel that when a matter of this nature comes up to the Government, they should expedite it so that it does not take almost a year to be settled, for one to get the money that he is entitled to. Those who are against us may use this fact and say, "Well, the Government does not want to pay So-and-so. Maybe we said this and they agreed to pay". We have a lot of people about nowadays who want to say that if we do not do this, then Government will not do that. These are the small things that can give those who have long tongues the chance to come out and open their big mouths. So, I feel that when a case of this nature occurs, the Ministry or the Government should make arrangements to expedite it and pay the money as soon as possible.

With these few remarks, Mr. Speaker, this being a small Bill, I beg to support.

Mr. Odinga: Mr. Speaker, I am persuaded to agree with my hon. friends who have contributed to this Bill. I would have liked to get something quite clear from the Ministry which is responsible for this particular Bill.

I think the Assistant Minister should have helped the House by giving us enlightenment in this fact: is this as a result of long correspondence between Odongo and the Ministry, or is this something which has just cropped up when they were searching through some documents? We would like to know this before we go on with further discussion. This information would be useful. If it is after long correspondence between Odongo and the Ministry, then I think we would only be able to congratulate Odongo for having paved the way, or initiated something which might help some of the people in the country who are suffering. There are so many people who might also have been compensated—but since they did not know where to go to demand

their rights, you find, as a result, that many of them are suffering. You find some person who probably lost his senses during the war. Now he moves on like a senseless person, or a person people call mad. Yet, this was as a result of some explosion during the war which affected him. If you get a number of such people, they need some attention to be given to them—certainly if this was brought about as a result of their services in the war.

Now, Sir, if, on the other hand, it is the Ministry which has gone through their documents and found that they have not done their bit for Odongo, then we wonder how they were so kind to dig through the books and documents which began from 1935, when they were not responsible for that government, when the government was completely in the hands of the British colonial régime. This is where I am perplexed, because between 1935 and 1939, and even later on, we were under the colonial régime of the British. If we are now going to be held responsible for all these benefits for those who served under them, which they should have given to the servants who actually served them during that time, then what arrangement have we got with them to refund us this money? At the present moment we are heavily indebted to the British Government and to the British people; so, is there any arrangement we have with them providing that they will refund us this money?

Mr. Speaker, I think these things must be made very clear. I do not think that we will understand it. I know that the Minister for Finance, being the man in charge and responsible, would be able to enlighten us. At the same time he should also be able to explain to us what he will do if, supposing, tomorrow he is confronted with some of the servants who served the colonial régime from 1920—even the war—up to now, because some of them are still alive and some of them are suffering as a result. If they all now confront him with their demands, what will he do? We want these things to be explained before we actually accept the passing of this particular Bill of Odongo.

If other Members agree, and we are going, today, to pass this Bill of Odongo alone, then why is it a Bill on an individual and not actually a Bill which covers any such cases which might occur, so that we do not need to come here and pass each and every Bill which might be introduced into the House? I think I have experience that this is the second Bill of its kind which we have passed in this House; first we passed one of Isaac Okwiri, and now this is the second one which we are about to pass.

An hon. Member: He is from your tribe!

Mr. Odonga: I do not mind whether he is from my tribe or any other tribe because all these are Kenya people. We should always talk of these people as Kenya people because they are Kenya people, and when we consider their cases we must think of them this way. It is good, however, that it comes from a place from which I also happen to come.

I think that what we need here is only clarification to make it quite clear so that every now and then we are not confronted by individual cases which might occur. Furthermore, the thing that worries me is the relationship because this thing happened during the colonial régime. I remember that recently, when we were checking some public accounts, I found there are still some expatriate officers who served just at the end of the colonial régime and they have gone overseas and we are still paying their dues. I do not know whether the British Government are still responsible for any loopholes they made or anybody whom they did not compensate adequately. This should all be made very clear, and when this is made clear we will ask the Minister to consider whether it should not be a general Bill to cover all the cases which might come.

Mr. Speaker, with these few remarks, I beg to reserve my support.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I would like to start by saying that I do appreciate very much the remarks that the hon. Leader of the Opposition has made. I must say that this is another special case; we had the Okwiri case and this is the Odongo case which is also special in that particular respect. The United Kingdom has no responsibilities whatsoever. If this House thinks today that we should not give this fellow anything, that will be it.

Mr. Speaker, he joined the army in those early days of February 1935 and he was a clerk and, therefore, he was not pensionable. What has happened is that in due course he has continued. As the Assistant Minister for Finance has just said, he has just retired; he retired in August 1968. All that the Treasury is trying to do is to see as to whether we should not do him justice by giving him this extra money so that he has got the *ex gratia* additional pension and gratuity.

I think it would be wrong and we would be doing Mr. Odongo, himself, a mistake, if we were to relate his case to the colonial days. All I am trying to do is to see as to whether, since he has just retired this last year, we should not agree that he should get this pension. To try and tie it up with everybody else would be a mistake

because we have not got everybody else with us. We have got a special case called the Odongo case and my hope was that we would sympathize and appreciate the service he has done for the country, first of all as a clerk in the army in the good old days and lately within our own Government. He has done good service and, therefore, does he not deserve some appreciation from the Government that he has served so well? Must we tie this up with what pensions Gichuru in the army might get in the year 2000? Must we tie this up with all the other conditions, or must we look upon the service that this man has rendered to his own country right up to August last year? If we feel appreciative of the service he has given us, well and good—and we must allow him the pension. If we feel that he has been wasting his time, let us say so, let us be frank, and say we are so sorry we cannot allow him a pension of that magnitude. To try and tie it up with anything else would be very unfortunate and would be very bad and a disrespect to the service that Mr. Odongo has rendered to his own country.

Mr. Speaker, I hope that the Members will view the whole case in that light. We must not prejudice the case in any other way; it is either that we give it to him or we do not. Let us not tie it up with any other things.

Thank you, Mr. Speaker.

Mr. Mate: Mr. Speaker, while agreeing with the Minister for Finance who has just spoken that we should not prejudice the case of the particular individual in question, I had a question to ask, which I think is very relevant, the Mover of the Motion, the Assistant Minister for Finance.

Mr. Speaker, nobody is quarrelling with the work of Mr. Odongo, whose pension is being discussed here, but I do feel as a matter of principle, and because of historical reasons, it would have been a good opportunity for the Mover of the Bill to have given us an idea, generally, of the procedure that they use in reaching the amount to be paid to these individuals, because we may have other problems of people who have served partly in the army, or partly in the Civil Service, in other departments, who may be in similar troubles. If these people come to us, we have no way of reaching the Minister as far as questions are concerned. I think it is relevant, Mr. Speaker, for him, when he comes to reply, to give us an idea of how they do it.

Mr. Speaker, the point is that I do have two people who have problems of this type. There are two chiefs in Meru, Chief of Egoji and ex-Chief Kararwa of Chuka, who are now retired.

[Mr. Mate]

These chiefs, during the emergency, were confused with oath-taking but they were later proved to be clean. Now, there may be other similar cases in the old Central Province, of people who were confused by the colonial régime and who were tricked into corners whereby they lost their services and their benefits. In this particular case, I have been to see the District Commissioner, Meru, the district officers and other people, to try and follow up cases of such individuals to see if they are entitled to anything, even Sh. 500, as a gratuity or as a pension.

Mr. Speaker, when I go to the offices I am told that they have no records and they show me letters they have received from one district officer or a provincial commissioner or someone else, and then we get nowhere. Therefore, I do think I am relevant in asking the Assistant Minister, when he comes to reply, to give us a specific idea as to how we can, as Members, assist individuals of this type to go to the Ministry and have their cases proved right or wrong.

Mr. Speaker, I think the Assistant Minister would be doing the House and the country a lot of good if he could throw some light on this aspect of this kind of thing. I do not think anybody here would oppose the particular case in question. The only thing is we want to know a few more details as to how did the Ministry know about this particular case, and how can we help other cases in future? I do think the House is entitled to request the Assistant Minister to give us an idea as to how we go about such cases because I think there are fairly genuine cases.

Thank you, Mr. Speaker.

The Minister for Health (Mr. Otiende): Mr. Speaker, as one with, perhaps, some knowledge of the matter under discussion, maybe I could enlighten the hon. House on a few points which make this case a special case.

Mr. Speaker, if one officer served in the capacity of a chief for 33 years, I do not think Mr. Gichuru would bring it up here as a special case; he would be paid quietly in the Treasury. Why Mr. Odongo is a special case—and I know this very well because he happens to be in my age group—is that Mr. Odongo first joined the King's African Rifles as a clerical officer in Turkana. He worked there for many years when Turkana was almost on a war footing. Then the war came and he joined the Army and served throughout and then came back to become a labour officer and then retired only last year. You will notice, therefore, that he played several roles in the Government very faithfully and continuously; he did not retire as an ex-chief does. Therefore, as he moved

from one kind of work to another, he needs special consideration from this House to thank him for the work he performed so faithfully and well. I would ask the House that in view of this case, and of many other cases which might come when people retire, especially those who have done over 30 years, that in a case like this we should understand the background, and not the mathematics which are quite complicated, and the principle of giving a person a benefit when he could not have received a benefit in the early days when the Africans never received any benefits at all. That is why the House is being asked, as it is explained here, to treat him as if he were pensionable from the time he joined the army in 1935. At that time Africans were paid very little, and they did not receive anything at the end. Since this man has served over three different periods of history, you cannot dismiss those days by saying he was working for the British Government, he was working for the benefit of this country. He defended our country throughout the war and we must thank him for that as well. The point at issue is that this is a special case, and is not a normal case and therefore the Minister for Finance was right to bring it here for approval to spend the money with the approval of the House.

Thank you, Mr. Speaker.

Mr. Shikuku: Mr. Speaker, Sir, first of all I must congratulate the Government for having brought this Bill; namely, a Bill which affects public funds. I wish they could bring a Bill here, Sir, affecting the gratuities to the Ministers themselves. It is with the blessing of the House that an individual in this country should take funds from the public funds, and this Odongo is one of the lucky ones to have this money approved by this House. I am sure no Member is going to oppose this. We know how much is going to be paid and why he is going to be paid. Here we have had some money approved to be paid to Ministers, and we do not know why. Probably because they served, but if they served then we also served, and we do not know how much it is going to be. This is one of the things which I congratulate the Government for putting across. The public will know how much Odongo is going to receive, and we would also like to know how much each Minister and Assistant Minister receives.

Having said that, Sir, I now come to one of the points which was touched on by some of the Members who have spoken before me, and that is in connexion with Okelo-Odongo. Not Okelo-Odongo but Odongo. I am sorry. Unfortunately the Member himself never served in any of the wars, neither did I.

Mr. Okelo-Odongo: I have not received any gratuity.

Mr. Shikuku: The hon. Okelo-Odongo is complaining about his gratuity, but I think his must be among the many gratuities which we approved here the other day, and if he has not received his then he should be patient because he will probably be receiving something. I am told the Member ran away.

The point I was pursuing, Mr. Speaker, which I said had been touched on by other Members, is the fact that time and again I have people in my constituency, Mr. Speaker, coming to me and saying I should look at their thigh, or at their arm, and that they served in the Army between 1935 and 1949. They were then told they would be given a gratuity and would be taken care of and up to now they have received nothing. When you put such cases to the Government you are told that they are not there to go into contracts or agreements which were agreed by the imperialists or the colonialists who were here. The man did not serve in our army and they do not know anything about it. Mr. Speaker, I thought the Minister was going to tell us, was going to elaborate, what type of people who served, in what rank, are entitled to this privilege which Mr. Odongo is going to receive. I was listening in my office, Mr. Speaker, to the Mover, the hon. Assistant Minister, Mr. Balala, and all he did was to read figures as to how much the gratuity is going to be, the pension, how much per month and year; but he did not tell us on what grounds this was agreed, how long this man had served. We should know this, so that we can tell—and this is a serious point, our people at home. When they come to us, we can tell them that if they reached the rank of captain they will be entitled to something; but if they were not in the rank of captain, then they will not be given anything. If they were this and the other for so many years they will not be paid. We are representatives of the people, Mr. Speaker, in this House and we should be briefed so that when we are confronted with these questions by our constituents we will be in a better position to explain. In this case we are only given figures, for how long and so forth, but we have not been told any more.

I think when the Minister comes to reply he should make it very clear to us that Odongo, or such-and-such a class of people, who serve in the army will be given so much. In future, an amendment should be brought, not only for Odongo, but which should cover all the people in Butere—all the people in Kenya, so that they, also, have something from this fund. This is the point which I am driving at because I know there are many more. Probably Odongo was known to some of

the big men in the Government. One never knows. Probably he had a friend in the Cabinet who has been fighting this case slowly; otherwise how did Mr. Odongo know this was going to be approved? When I was listening to the Mover speaking in my office, Mr. Speaker, he said that this was approved by the Cabinet of 1962. In 1962, Mr. Speaker, we were not independent. It was the Colonial African Government, the *Madaraka* set-up sort of Cabinet. If it was approved at that time, Mr. Speaker, then probably it might be that this man helped Odongo to get this money through.

What about those people who are not known to the big men? The people who served in lower ranks, and who have had some of their limbs amputated or some other injury. What will happen to those small men who are not known to the big men? This Odongo was known to a big man, that is why he knew about the resolution in the Cabinet, and probably he has been fighting for it. What about the small man? The same thing is happening today, Mr. Speaker, where jobs are concerned. If you are known to a big man, then you are given a job; but if you are not known, then you are finished. I speak for the small men, and I think there are many more small ones like Odongo, who are entitled to such a privilege as this, and who cannot do so because they are not known to the big men. Now that Odongo has opened the door, let us have everybody who served also being given something.

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

The Speaker (Mr. Slade): I think enough hon. Members have now made this important point, which was being made again by Mr. Shikuku, that instead of having a series of Bills dealing with specific cases it would be desirable to have a law of general applications for such cases. This is for the House to decide on, of course, and for the Minister to reply to. I do not think we need have any repetition of that particular point.

Mr. Okelo-Odongo: Mr. Speaker, Sir, I think it is not only the hon. Member for Butere who is reminded of Okelo-Odongo by this Bill, because on the street today somebody stopped me and said "Oh, you are going to speak today." I told him I was not really intending to speak, and he said "But you are going to move your Bill today."

I think that due to the fact that it was privilege at that time, when I was a new Assistant Minister to move a Bill, Okwiri's Bill, and I quite agree with you, Mr. Speaker, that it is not good to repeat this and it was rather unnecessary to bring this Bill again since Mr. Okwiri's Bill ought to

[Mr. Okelo-Odongo]

have led the way. Since this is going to be in our log-books and it would be rather funny to see a series of names all along.

Mr. Speaker, Sir, that point having been made by other hon. Members, the only point left for me to make now is the fact that there are so many people in this country coming up to our Members of Parliament asking for our assistance as to whether we could assist them to obtain pensions or gratuities for services they have given to the Government. I do not know what is going to happen. I agree with my hon. friend from Butere in that I do not know how Mr. Odongo came to get his case in the right place in the Cabinet because with these others, especially the Africans who have served on the tribunals and so on—there are so many of them in the country who say they did good service and they are not being given anything merely because the Pension Act as it is today, does not include them. I think these people should also be considered by the Minister when he will be considering the point that has been raised in this House, that there are many Odongos and many Omolos and perhaps a few Njoroges here and there who, probably, are due for pensions but their names have not come forward. The Minister should make some amendments to this Act in view of the many of our African elders who are in the reserves, who were dismissed from their jobs due to a change of policy by Government. For instance, when all these elders were retired from the tribunals because Government wanted to employ some younger magistrates. These people were just told, "From today on you are no longer the head of the court here". Then, when they asked about pensions, they were told, "Unfortunately, according to the Act you are not included, so nothing can be done". I think the Minister should look into this and think of amending this law so that these class of Africans who have served both the Colonial Government and the present Government, and who somehow or other, due to technicalities of our present law, cannot benefit from this, would be considered and enabled to benefit. I know that those people who can push their cases get along. In this country, I think the former enlightened groups, like the European and Asian communities, know the law and they always push their cases and get justice done for them. Unfortunately, Sir, a great many of our people cannot push their cases successfully because in many cases they do not know where. When a Member has asked a question here, the Government has merely answered that there is no law. That ends the whole situation. This is not worth it. So, Sir, in order to do justice to the

whole country, I think the Minister should look into the possibility of amending this law and look into the position of others who probably should be able to benefit from pensions.

Mr. Kamau: Mr. Speaker, Sir, this seems to be a very simple Bill and it is very clear to the House. I am sure the Minister will be in agreement with what the Members have expressed, their concern over this particular Bill.

It is high time that the Act concerning pensions should be revised so as to avoid the controversy which will arise. We, as Members of Parliament representing the people, have been confronted with difficulties as one of the hon. Members, the Member for Meru, Mr. Mate, mentioned. There are so many people who seek help from us, asking us to assist them. For example, Sir, some were expelled from their services during the struggle for our independence. Even though they had long service, they were expelled because they were alleged to have associated themselves with the *Mau Mau* activities, and because of that they lost their important jobs. Some of them, later, after our independence, were reinstated by our Government and are now serving the Government. They are trying to get their gratuity and pension but there is no way in which they can get this. If the Minister agrees with what the hon. Members are requesting, then he has every way since he can use the authority of this House to amend the Act in order that all these individuals can benefit. In this particular case, Mr. Speaker—

The Speaker (Mr. Slade): I did say that this point has been made by enough Members now, and you are only repeating it. It is enough, I think, for you to say that you agree with it, because the arguments have been fully ventilated on that particular point.

Mr. Kamau: I hope, Mr. Speaker, Sir, that the Minister will agree with the request of the hon. Members, to have the whole thing revised so as to cover the whole country.

Mr. Karungaru: Mr. Speaker, Sir, I would also like to associate myself with other Members who have spoken on this Bill. I have this to say.

The Minister has been sitting for a long time on the pension and gratuity of Mr. Odongo. We have not yet been told why this particular case was delayed. We understand that Mr. Odongo has already retired from the Government service; this took place last year. We were here early this year and we were not told that there was anything urgent, in this connexion, which this House was required to pass. So we fail to understand why such cases which seem to be very important should be brought to this House so late. Why

[Mr. Karungaru]

punish such a person who is innocent, who has rendered service to the country, and leave him to feel that he is not getting his dues in time? We would like to warn some of our Ministries which are trying to cause our people hardship. Some of these people who have been working with the Government have had to face hardships already.

Mr. Speaker, Sir, I would not like to quarrel with my colleague in the Ministry of Finance, but I fail to understand why this Bill was not brought here last year when this person was about to retire from the Government. This is a challenge to the Ministry, in that a person has just retired but has nothing to keep him going and he does not know what will happen to his pension. Perhaps his pension will be reduced because of income tax, and such other things which we have not yet been told about. Mr. Speaker, Sir, we would like to tell the Minister for Finance that we are tired of things of this nature and we do not want the Minister to repeat this kind of mistake. Mr. Speaker, I can see the Minister panicking.

The Minister for Finance (Mr. Gichuru): On a point of information, Mr. Speaker, can I clarify—

The Speaker (Mr. Slade): If the hon. Member gives way.

Mr. Karungaru: I give way, Sir.

The Minister for Finance (Mr. Gichuru): I think hon. Members will note from the Bill that this man has been getting a pension. All I am seeking is a little bit extra money which I hope, as Mr. Karungaru says, will help him a little more. We have not, however, left him in the cold as it were, and starving.

Mr. Karungaru: Now that the hon. Minister has informed the House, Mr. Speaker, am I to take it that the information he has given to this House is nothing but malinformation because, Sir, is it not true that the Ministers were paid money and that that money was not passed by this House? Then, what was the problem in paying Mr. Odongo? We must be told. We have not yet been told. And now, Mr. Speaker, the information? I have received from the Minister does not help me at all. If he wanted approval from this House, then he should have brought the Bill earlier so as to be enabled to pay Mr. Odongo; but he did not do that. He was paying him little by little. Mr. Speaker, Sir, since this time the Minister has already seen the sense in paying Mr. Odongo his due, I have no quarrel with him.

But I would like to advise him that in future he should avoid bringing to this House pieces of law which are of no help. Why not bring only one kind of Statute Law and we pass it here, rather than introducing pieces of law from time to time. With these few remarks, Mr. Speaker, Sir, I beg to support.

The Speaker (Mr. Slade): I now call on the Mover to reply.

The Assistant Minister for Finance (Mr. Balala): Mr. Speaker, Sir, I am very grateful for the contributions which have been made by hon. Members sympathizing with this case and supporting the Bill in order that Mr. Odongo could be paid his due. It is not true, Mr. Speaker, Sir, to say that this Bill has been delayed by the Treasury because Mr. Odongo only retired in August last year. It is not also true that Mr. Odongo was in financial difficulties because he was not receiving his extra pension and gratuity because he received this through the normal channels of administration as covered by the Pension Act, his pension and gratuity for his services in the Civil Service. The pension and gratuity he seeks the approval of this House for, is in connexion with his services during the Second World War. This case is special, Mr. Speaker, because he was serving in the army, not as a soldier but as a mere clerk and there was nothing to cover his clerical services in the army as far as a pension was concerned. This is why this case is considered to be special.

Mr. Lubembe: On a point of order, Mr. Speaker, would the Assistant Minister tell the House what Mr. Odongo was in the army, a clerk or a soldier?

The Speaker (Mr. Slade): That is not a point of order, Mr. Lubembe.

The Assistant Minister for Finance (Mr. Balala): Mr. Speaker, Sir, why I say that this is a special case is because the clerical service with the army was not pensionable, and in addition he was promised in writing that he would be paid. This was approved by the Council of Ministers in 1962, and the matter has been subject to much correspondence and administrative work. Finally, this matter was submitted to the Cabinet for approval. This is why it is considered to be special. I do sympathize with the hon. Members' opinions when they said that there should be a law which should cover any special pension not covered by our Pension Act, Chapter 189. I do sympathize with the views and I can assure them that the views they have expressed that there should be a law covering special

[The Assistant Minister for Finance]

pensions or cases of such nature, will be looked into. I have taken notice of this and I will submit it to the Attorney-General for action.

Mr. Speaker, Sir, I would like to tell the hon. Members that this is the only case of its kind known to us as a special case. If hon. Members think that they have relevant cases which they want to be considered, they are welcome to submit them to us—cases which they think have been forgotten and require consideration. Mr. Speaker, Sir, I agree that these are the cases which face the hon. Members because these are individual cases and obviously only affect individuals who happen, perhaps, to come from an hon. Member's constituency. Therefore, Mr. Speaker, Sir, hoping that I have covered the queries of hon. Members, with these remarks I beg to move.

(Question put and agreed to)

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

BILL*Second Reading***THE PETROLEUM DUTIES (AMENDMENT) BILL**

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the Petroleum Duties (Amendment) Bill 1969 be now read a Second Time.

This Bill seeks to increase the tax on petrol by seven cents and to reduce the tax on light diesel by nine cents.

These changes in taxation were brought into force by the provisions of Collection of Taxes and Duties Orders which were issued on 22nd April. The object is not to raise revenue and there will be no significant gain or loss to the revenue as a result of these changes in taxation. The object, as explained in the Press statement which I issued on 22nd April 1969, is to ensure that no farmer or transport operator would have to pay any more for his diesel fuel. On 1st April, new railway rates for the transport of petroleum products came into force. If the Government had taken no action, these changes would have been reflected in prices charged on petroleum products on or about 23rd April when the stock held by the oil companies at various depots would have resulted in reduction in prices of most petroleum products. But the price of light diesel at Nakuru would have gone up by one cent, at Nanyuki and Thomson's Falls by two cents, at Eldoret and Kisumu by seven cents and at Kitale by nine cents.

I was anxious to avoid farmers, particularly in some of our main wheat and maize growing areas, paying any more for their fuel. The only way I could ensure that this would not happen was by reducing the tax on light diesel by nine cents. Following this action the price at Kitale remained the same, the price at Eldoret came down by two cents, the price at Thomson's Falls and Nanyuki came down by seven cents, and the price at Nakuru came down by eight cents. The price at Nairobi came down by 11 cents. Again, if I had taken no action, the price of petrol would have come down at Nairobi by seven cents, and by greater extent at places farther from Nairobi than Nairobi. I feel therefore, it was fair to increase the duty on petrol by seven cents, which has made the price in Nairobi remain unchanged, the price at Nakuru come down by three cents and the price at Kisumu and Kitale by seven cents. Admittedly, those at the Coast have had to pay an additional seven cents per gallon since the 23rd April; but they will continue to get their petrol considerably cheaper than those in Nairobi. Before the change motorists at Mombasa got their petrol 38 cents cheaper than in Nairobi, but after the 23rd April, they have been getting it for 31 cents less than those in Nairobi.

I hope, Mr. Speaker, that all hon. Members will support this Bill which is merely designed to reduce or maintain present farming costs of production without demanding any significant sacrifice from the motorists.

Mr. Speaker, Sir, I beg to move.

The Assistant Minister for Finance (Mr. Balala) seconded.

(Question proposed)

Mr. arap Biy: Mr. Speaker, Sir, I would like to welcome this Bill, but in welcoming and supporting the Bill I have these few words to say on it.

Mr. Speaker, Sir, the increase in the price of petrol is reasonable as far as those who are able to purchase motor-cars are concerned, but when you go to the farmers—those to whom the Minister refers as going to benefit out of this decrease on the prices of light petrol—I do not think it is all that reasonable because the farmers in the countryside are still suffering. The prices, generally, are absolutely down, they are very low, and I understand from reliable sources that the prices will go down further as we move ahead. In which case, the maize price might come down to something like Sh. 17, or less than that, in some years to come. This lowering of the diesel prices and other petroleum items will not really

[Mr. arap Biy]

benefit the farmers. I would like to urge the Minister in his Ministry to think again and do something tangible to help our farmers in this country.

An hon. Member: Are you a farmer?

Mr. arap Biy: Mr. Speaker, Sir, I am a farmer and my hon. colleague, the ex-chief speaks of my saying better, so I will say better because I am a farmer.

Mr. Speaker, Sir, I feel very strongly that the Minister for Finance and the Minister for Education should get together and think harder. If possible, they should raise some of this taxation on various items in order to enable this country enjoy free primary education. We go on talking of having no money and yet we continue increasing the price of petrol—I do not think we are getting anywhere at all. Let us even increase it twice, or as much as possible so that our poor man in the countryside can benefit.

Mr. Speaker, Sir, the Minister for Finance has very clearly explained to the House the reasons which led to these changes in the taxation and I hope during his budget speech, which is coming fairly soon, he will really give us something tangible to this effect which will help the poor man in this country.

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

Mr. Lubembe: Mr. Speaker, the—

Mr. Shikuku: Is he a farmer?

Mr. Lubembe: The hon. Member thinks that only he can be a farmer; farming is his property and not anybody else's. If any Member thinks like that, then we will blame him for the lower prices of crops.

Now, Mr. Speaker, when this particular Bill came in April, many people were surprised. There has been nothing hidden about it; when one looks at how the reduction was made, one will find that price in towns east of Nakuru was reduced, but if one goes to that area around Kitale, and also in other places—I have been visiting friends there—one will find that there have been no changes at all. Perhaps the Minister would be good enough to explain why this has taken place when it is a fact that the people in that particular place are the people who feed the other people on this side with maize and therefore need more help on these particular products than anybody else.

I will also say, Mr. Speaker, Sir, on this question of petrol, that although we were told that certain areas did not reduce and so on, everybody knows that the petrol products are very, very important for our development today. There

are many vehicles, transportations and so on. These transportations are mostly the small cars which are travelling from here to Mombasa, to Kisumu, to Kitale and to every place, and these people are using petrol. If we do not take into consideration how we increase petrol, we will really land the public into difficulties, because the people who pay are the people who are using these vehicles; the people who travel by these small Peugeots and other vehicles to go to certain places. It may be true, as one Member has said, that those who have cars can afford to pay for this petrol, but this petrol is not only used in the cars of the people who own them for their own transport; it is used also for people who own vehicles for carrying passengers, public transportation and so on. When we increase the price of petrol, what we are doing is making those people who use this means of transport to pay more and, in fact, even more than the person who owns the vehicle, because there are some people who own vehicles and they do not travel very much. There are some people in Government who use Government transport instead of using their

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

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

own vehicles. This price, in my view, should have been made a little bit lower even if there was a need for increase. The Minister has not really stated the reasons for this; he has not said why there was necessity to do that, although in the Memorandum of Objects and Reasons he has tried to explain things about it to us. The real reason which was needed very urgently to get this duty increased has not been explained very clearly. I hope when the Minister replies he will do something about it.

There is another point, Mr. Deputy Speaker, which I intend to raise. Now we are going to have the budget this month, I hope, in view of the fact that the petrol has been increased and so on, the Minister is going to be liberal in some other things which the public really use. We do not want on this last budget to make everything very expensive, starting with petrol. I hope that when the budget comes the Minister will consider this.

The last point which I think is necessary is that if something that is very important and essential like petrol is increased, then the people—I am saying this like any other person who is very well acquainted with the workers—will feel that it is necessary for those who are taking care of the workers and so on, to put in a demand. We hope that because the oil companies are going

[Mr. Lubembe]

to get more money out of petrol they will grant this. In my view, the Government should not try at any time to interfere if the unions put in demands to get the workers' wages increased. I hope this will be left freely so that they can use this increase as one of the reasons for them putting in their pay-rise demands.

With these few remarks, Mr. Speaker, I beg to support the Bill.

Mr. Muruli: Mr. Deputy Speaker, Sir, I also rise to support the Bill which is before the House. One of my reasons is that the farmers have actually been suffering for quite a long time due to poor roads and, therefore, the cost of producing their crops has been so high that they have not been getting any profits when they sell their products, especially the maize farmers, as the hon. Member has said.

Therefore, I am sure the Bill will help our farmers because most of these farmers have to use diesel, which is necessary for farming at the moment. There is one thing on which I must warn the Minister, and that is public vehicles: for example, police cars must always be full of petrol because we do not want to see the police vehicles not running about because cost of petrol is very high and they are unable to fill their tanks in order to get to different places, as they did one time in Butere Constituency.

Mr. Shikuku: Hear, hear; they said they had no petrol.

Mr. Muruli: Mr. Deputy Speaker, here it says: "... as the proposed alterations in duty rates will largely cancel out, there will be no significant effect on overall revenue." When the Minister replies I think he should tell us how these proposed alterations in duty have cancelled out the cost so that this will not affect our revenue. I think that our revenue will be affected, although it is said here that the cost of petrol will cancel out the cost of diesel. He will have to explain this so that the House is aware that this will not affect our overall revenue in this country.

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

Mr. Okelo-Odongo: Mr. Deputy Speaker, Sir, I think that this Bill does not seem to me to be really necessary because I do not think it does what the Ministers says it should do.

The Minister said that this Bill is brought forward in order to assist the farmers. As far as the problems of the farmers are concerned, just reducing the price of diesel by so many cents is like a pinch of salt in the sea. If you want to assist the farmers, you must give them credit;

if you really want to assist the farmers, you must try to help them in the payment of loans by either reducing the payments or things like that. In this way you can help the farmers of this country today. If you want to help the farmers you should increase the price of their products; you should increase the price of maize and all these other products being grown by the farmers, then you will be helping the farmers. I do not think that by reducing the price of diesel by a few cents you are really assisting the farmers.

Mr. Deputy Speaker, Sir, the tax system in this country is wrong and this one here takes the same line because I believe that the person who is going to be hit hardest by this is not the rich man, but the ordinary middle-class man, the person who has got a small car and has to get to places; he is the man who is going to be hit hard here. Possibly this will affect the very small man who rides on a bus or rides in a Peugeot—as my hon. friend there was saying—and this is the person who is going to suffer. This business of trying to play about by saying that you reduce the price of diesel and increase the price of petrol does not get anybody anywhere. At best, it would be robbing Peter to pay Paul, which does not get you anywhere also.

Mr. Deputy Speaker, Sir, the ordinary person—and I take the Members of this House as ordinary people—has to run a car because he has to go to his constituency and has to visit places. This person is going to be hit very hard.

The African *élite* who are coming forward—the class in which the Ministers belong, the African directors belong and the top-class civil servants belong—are not going to suffer because they get their petrol free anyway. The top-class managers and directors get it from their companies free, the top-class civil servants drive Government cars and the Ministers also drive Government cars, and also get an allowance for driving in Nairobi when they live in Nairobi. Therefore, you see the person who is going to suffer is Okelo, Shikuku and perhaps Lubembe.

Mr. Lubembe: Did you get this allowance?

Mr. Okelo-Odongo: I did not get this allowance because it was not given to Assistant Ministers. I do not know what is happening now, but the Ministers used to get mileage for staying in Nairobi. The Assistant Ministers did not get this; perhaps they get it now.

Mr. Lubembe: Did you get it yourself?

Mr. Okelo-Odongo: No, Sir.

Mr. Lubembe: Why?

Mr. Okelo-Odongo: Because I was not a Minister.

[Mr. Okelo-Odongo]

Mr. Deputy Speaker, Sir, this tax is quite unnecessary in that I think it is going to make people suffer for nothing, and I know what is going to happen is that as soon as petrol goes up some people, like the bus owners, are not going to reduce—even if they use diesel—their fares. As a matter of fact, they may even increase the fares under the influence of the fact that petrol has gone up. And therefore the ordinary man who takes the bus is going to suffer while the big bus owners might be the people who will get something out of this tax. They will buy the diesel cheaper and yet the fares will remain the same. That is why I said that the taxation system seems to be going the wrong way: assisting those who are already up and hitting hard those who are trying to get up, and finishing off those who are lower down.

The other aspect, Mr. Deputy Speaker, Sir, into which I think the Minister should look into is that Kenya is one country. I cannot see why somebody should buy petrol at Mombasa at a different price, at Nairobi at a different price and at Kisumu at a different price. That kind of transport should be taken care of by subsidies, either by reducing the charges, or charging more for the people at the coast, if necessary. I do not think that should be the case; but I think that the person who buys petrol at Kisumu should be subsidized because it is not his fault that he lives at Kisumu. So, why should he be penalized just because he lives far away from Mombasa? Do they want everybody to go down to Mombasa?

Mr. Deputy Speaker, Sir, Kenya is one country and I think that, by using the facilities available to the Government, they should be able to make the price for petrol uniform throughout the country so that everywhere people pay the same for petrol. I do not think that people working in Mombasa are paid less than the people working in Nairobi or Kisumu. Government salaries are the same and salaries for people working in companies are the same, and so why should an item like petrol be different at the coast? This makes a lot of difference to one's pocket. I think the Minister should also look into this.

Mr. Deputy Speaker, Sir, that is all that I have to say about this Bill, and I say that I cannot see why we are being troubled with this Bill in this House; maybe it is just for the sake of getting the Minister for Finance to do something in this House.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I am quite interested to hear the various remarks made by the hon. Members.

Mr. Shikuku: On a point of order, is the Minister replying? I thought he was the Mover of the Bill.

The Deputy Speaker (Dr. De Souza): I am so sorry, I did not realize that he is the Mover, and the fact that he stood up to speak I assumed that he was not the Mover.

Mr. Shikuku: He wants the Bill to go through quickly.

The Assistant Minister for Co-operatives and Social Services (Mr. Maisori-Itumbo): On a point of order, Mr. Deputy Speaker, since I stood up before the Minister, why was I not allowed to speak instead of Mr. Makone?

The Deputy Speaker (Dr. De Souza): That is not a point of order. You will have your turn later.

Mr. Makone: I think the Minister ought to know what is a point of order;.....
.....(Inaudible.) and they do not seem to comprehend.

Mr. Deputy Speaker, Sir, I would like to say right away that the intention of the Bill is good, and the Minister has chosen to move in the right direction; but he did not do sufficient homework otherwise he would have gone further on that direction.

Mr. Deputy Speaker, the Minister stopped very quickly after he had started. Mr. Deputy Speaker, speaking now as a low-medium farmer, practising farming from the start, I would like to say that Kenya has to compete in the marketing of its crops with other countries abroad. To do so, some sort of work in the way of reducing the cost of production must be done immediately. If, Mr. Deputy Speaker, the farmer is to receive anything from his farm, this must be done.

Mr. Deputy Speaker, we have told the Minister time and again that the farmer must be assisted in order to produce good work in the spirit of "go back to the land." We must be in a position by now, Mr. Deputy Speaker, if we want to produce more by way of the scientific method of farming, and the Minister should see to it that the farmers are given some assistance in the form of reducing the cost of production in his crops, and he can only do so if, Mr. Deputy Speaker, the price of diesel can be reduced, no matter if it is in Butere, in Kisii, in Mombasa, wherever it might be. Mr. Deputy Speaker, if other countries have reduced the cost of diesel to the farmer, then why can we not do the same thing in this country.

Mr. Deputy Speaker, some other countries have applied various methods of checking that the diesel used in the farming sector is not used for commercial purposes. In some countries like

[Mr. Makone]

America. Germany and so on, they have succeeded in putting some sort of colouring matter into the diesel which is used by the farmers. The police, Mr. Deputy Speaker, can always check by dipping something into the tank to find out whether any unscrupulous person has used such diesel for commercial purposes.

Mr. Deputy Speaker, we are speaking on behalf of all the farmers in the countryside, and we will not accept the slogan of "go back to the land" if the Government cannot see sense in helping the farmers, particularly the farmers who are just beginning to show results in the farming industry. Mr. Deputy Speaker, there are two ways of becoming a successful farmer. If what you receive is less than what you put in, you will not trouble yourself; but if the margin shows any amount of profit, then, Mr. Deputy Speaker, farmers will be encouraged.

Mr. Deputy Speaker, as I said if we want to compete our products in other markets, then we must assist the farmer in order to make two ends meet by way of living comfortably on the farm.

Mr. Deputy Speaker, I will not support this kind of shallow thinking on the part of the Minister, when he does not go far enough in helping the farmers. Mr. Deputy Speaker, 95 per cent of our people live in the rural areas and these are the people we must seriously think about to help all the time. We must stop them from coming to the cities. Mr. Deputy Speaker, if this is the way we are going to think, that we do not want a lot of people in the cities, then we should help them to stay on the farms and help them to realize something by way of income to support them. If this is not the case, then this is not the Bill we expect at this stage of independence from the Minister.

Mr. Deputy Speaker, I beg to reserve my support until the Bill has been improved in order to make rural life really attractive and something which will make it worth while to stay on the farms.

The Assistant Minister for Co-operatives and Social Services (Mr. Maisori-Itumbo): Mr. Deputy Speaker, I just wanted to congratulate the Minister for Finance. I, being a representative of the farmers in the rural areas, Mr. Deputy Speaker, think this is the kind of Bill which the House should appreciate. Mr. Deputy Speaker, the farmers who have been given loans are using

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

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

tractors which run on diesel, and most of the farmers, as hon. Makone has said, use public buses, most of which are using diesel. Mr. Speaker, also Bedford lorries are used to transport the crops of farmers and I believe most of them do use diesel. In this sense, Mr. Speaker, the main

reason why the Bill is in the House, Mr. Speaker, hon. Makone has already spoken, and as a farmer I think I support him, but the only thing we can ask the Minister to do is to make sure that the bus owners are not going to increase the fares. The reason is, Mr. Speaker, that the price for diesel oil is being reduced and that is one way of helping the farmers, by reducing the cost of transporting their half *debe* of maize, or *wimbi* or whatever they have to transport to the market; they are not now going to be charged as much as they used to be charged before.

I believe this is the kind of Bill which will earn the support of the House because it represents the farmers, and I think the Members are all farmers, and they also represent the farmers.

Mr. Speaker, with these few short remarks I beg to support the Bill.

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

MOTION FOR THE ADJOURNMENT NATIONAL HOUSING CORPORATION IN RURAL AREAS

The Speaker (Mr. Slade): Mr. Gichuru, it is just time for the interruption of business, and I see there is still another Member who wishes to speak, so I think I must now call upon 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 Minister for Finance (Mr. Gichuru) seconded.

(Question proposed)

Mr. Karungaru: Mr. Speaker, Sir, I am glad that this afternoon I am privileged to speak on a Motion for the Adjournment arising from a Question asked by the Member for Embu, hon. Kamwithi Munyi, on the 11th February 1969. The Question No. was 1522, and it went like this, Mr. Speaker—

"(a) since the attainment of independence, what was the total number of houses which had been built with the assistance of the National Housing Corporation; and

(b) how many houses had been built in rural areas".

[Mr. Karungaru]

The reply, Mr. Speaker, was as follows:—

“Since the attainment of independence, up to December last year, 3,568 houses have been built with the assistance of the National Housing Corporation.

Of this total, 2,987 were built in seven municipalities: that is, the City Council of Nairobi, municipalities of Mombasa, Kisumu, Eldoret, Nakuru, Kitale and Thika. 192 were built in urban council areas and the remaining 389 in other areas”.

Mr. Speaker, these “other areas”, in other words, mean the rural areas. Seeing that rural areas have not been properly taken care of, I felt there was a question that needed to be answered by the Ministry concerned.

There was another question on supplementary basis which was asked by Mr. Nyaberi, who asked—

“Mr. Speaker, Sir, arising from that answer, is the Assistant Minister aware of the actual conditions of giving a loan in the rural areas and that they are different from those conditions in the urban areas, and that is why it is difficult for people in the rural areas to get houses?”

The answer from the Assistant Minister went like this, Mr. Speaker, Sir—

“Mr. Speaker, Sir, I quite agree that it is quite different, but the hon. Member should also realize that if the Government were to give every individual in the country a loan, how would the Government be able to get that money back? We do give people living in the rural areas loans through the county councils. If the county council can really guarantee that a person is credit-worthy, we give him a loan.”

Mr. Speaker, Sir, we would like the Minister to tell us what the Assistant Minister intended by credit-worthy? That is one question, knowing full well that some of the county councils in the country are very poor and they cannot give a guarantee for an individual who is interested in buying a house. How could the county council be of any help to a member of the public who asked for a loan to build a house? I think the Assistant Minister was ignorant of the facts and that is why he did not give the House the proper answer required by the Member who asked the question.

Mr. Speaker, we have the Kanu Manifesto, and on page 2 it talks about encouraging the building of houses through obtaining loans from the Government. Mr. Speaker, this has not been happening, but if it has, then only 387 people have

managed to obtain houses. This is in view of the fact that the population of this country is in the region of 12 million people, and we fail to understand if the Minister has a proper housing policy to take care of these people who are living in the rural areas. It was only very recently, Mr. Speaker, Sir, for the information of this House, that the Assistant Minister for Agriculture told this House that the conditions which were being employed by the Agricultural Finance Corporation were going to be done away with in order to enable a farmer to obtain a loan without being asked to produce any security—that is provided he has the land and the land is his.

Mr. Speaker, Sir, it is very logical that land is immovable material, and cannot be moved. If the land is there then we cannot see any reason why a person is asked to produce any other surety. If the house is to be built on that land, then why is the person required to have a guarantee of some kind since the land is permanently there? I fail to understand the logic employed in this particular respect.

Mr. Speaker, Sir, we now challenge the Minister for Housing to tell the House this afternoon the policy of housing throughout the entire Republic of Kenya in order that the masses of this Republic may know the proper policy of the Government. In our Manifesto this is stipulated, and we know it is there, and we must see that it is geared up in order that proper implementation is carried out. I do not see any reason why we should dodge this subject if we know it exists.

I hope the Minister is not going to dodge the issue as the Assistant Minister did during the course of his reply to the hon. Member for Embu East. Mr. Speaker, we do not want a diminishing policy, neither do we want a deflating policy. What we want, Mr. Speaker, is an inflating policy, a policy which can help us in this House and which can help our country. Mr. Speaker, we do not want the Minister to come here and make a hurried statement to brief us in this House and eventually see the masses do not benefit. We do not want the Minister to come here and give void statements to this House and then we find later that whatever he said does not exist. We know that actions speak louder than words and we want action and not words.

Mr. Speaker, we were told then that there are some teams going around the country and educating the masses in building good houses in the rural areas. I fail to understand the logic behind this. Why should the people be told how to build good houses and then when they apply for loans they are not given them? We fail to understand the premises of the argument that the Minister

[**Mr. Karungaru**]

brings up. Therefore, it is today that we are challenging the Minister to tell us the policy and how we can get good houses in the rural areas.

With these few remarks, Mr. Speaker, I beg to move, and ask the Member for Embu to second the Motion.

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

All we want the Minister to do is to help us. We have a very dynamic Minister for Housing. Today, this evening, we are making an appeal to the Minister for Housing to change the present system which is being followed by his Ministry because the majority of the Members of this House will agree with me that more than 95 per cent of the people live in the rural areas. That is a fact, Mr. Speaker, Sir. The Minister cannot deny that fact. Therefore, Sir, if the majority of our people do live in the rural areas, why does the Ministry have a policy of concentrating on building houses in the urban areas only? Areas in the countryside have been forgotten.

When we come to the Kanu Manifesto we find that this Manifesto— Mr. Speaker, the Kanu Manifesto is our political bible, the bible of the party in power, of the party which has done so much. For the information of the hon. Minister for Housing, I would like to quote what is written in the Kanu Manifesto. This is the Kanu Manifesto, and I am holding it up. Whenever Ministers sit down to review the policies, it does not matter whether it is the housing policy, whether it is the industrial policy, they should refer to what is in our Kanu Manifesto. In one of the clauses it reads that the Government will do everything possible—that is the Kanu Government—to help the people, not only in the urban areas but in the rural areas as well. Therefore, what we are trying to do is to appeal to our Minister to do something for the rural areas, to have some plans for the rural areas.

Mr. Speaker, Sir, it is only seven municipalities which are enjoying the privileges when there are other districts, namely, Kitui, Kisii, Embu, Kakamega and even Bungoma— All what we want the Minister to do is to consider areas which are in the countryside, areas which are inhabited by the majority of the people, by the Africans of this country.

I know that the Minister is a man of action, but we want him today to tell this House that the policy which is being pursued at present will be reviewed, will be changed so that more development will be started in the rural areas. More

development, Mr. Speaker, Sir, should start at once. Mr. Speaker, when I refer to the rural areas I am referring to county councils as well.

Mr. Speaker, according to the present policy which is being pursued sometimes, if you want county councils to give assistance or to advise the Ministry to do something, if you want the county council to recommend you to the Housing Corporation, they ask you to produce land. There are so many things which can easily be done. We want to build a nation, a nation which will cover almost every area. The same thing is happening in the industries. We find that so many hotels are coming up in Nairobi, so many hotels—

Mr. Lubembe: On a point of information—

The Speaker (Mr. Slade): Do you want to give way?

Mr. Munyi: All right, Sir.

Mr. Lubembe: Mr. Speaker, the hon. Member has said a very important thing about the county councils. The information I want to give is that you do not produce the land. If you want the county council to guarantee you, you will have to surrender your land to them, they will take it and then they will guarantee you. Otherwise you cannot get a guarantee.

Mr. Munyi: What I want to emphasize, Sir, is this: there are many hotels which are being put up, but these are all being put up in the big towns. This is completely wrong. This policy should not be pursued because the ones who should be helped are the majority of the people. Where do the majority of the people live? They, Mr. Speaker, live in the rural areas. So, why does the Government pursue this policy of concentrating everything in Nairobi, everything in Nakuru and Mombasa. Why not extend some of the facilities to places like Embu, Kitui, Kisii. Development must cover almost every area in this country. This will be the correct policy.

When people come from the countryside, they go to the towns, they see that all the facilities are available only in the big towns. This should not be the case.

Housing problems must be dealt with in a good way. There must be a change, there must be a man in the Ministry of Housing who should be dealing with these matters only. Also, if the Minister invites suggestions from the hon. Members, I am sure that he will be given very good suggestions. I know, Sir, that our Government has done much and our Government is continuing to do more; but the tendency is that everything

[Mr. Munyi]

is being concentrated in the urban areas. Our people in the rural areas are being forgotten. This is wrong.

I know that the Assistant Minister answered this Question when I asked it in this House. Now the Minister is present in person, and I am sure this evening he is going to tell us exactly what his Ministry is planning to do in future, what his Ministry is planning to review; and whether his Ministry is in a position now to review the policy because the sooner the policy is reviewed the better for us, the better for the people in the rural areas.

After having mentioned that, let me now come to the total number of houses which were built in the so-called rural areas. There were very few indeed—I think there were about 200. However, in the urban areas— Mr. Speaker, the figure might be 300, but I do know that the number is very small. Therefore, I would like the Minister to take action. Money which was supposed to be allocated for more houses in the urban areas should now be transferred, be reallocated to houses in the rural areas so that the people in the rural areas will live in good houses, will live in houses which have been built in accordance with the rules of health. The sooner this is done, the better for us all.

With these few remarks, Mr. Speaker, Sir, I would like the Minister to say something definite this evening. During the last few days the Minister has proved to be a man of action. I want this to be translated in a practical way, to be translated in the rural areas. That is what I want the Minister to do. He has proved himself in this House; he should also prove now that something is going to be given to our people in the districts. This should be demonstrated not only in theory but in a practical way.

With these few remarks, Mr. Speaker, I beg to second the Motion.

The Speaker (Mr. Slade): Mr. Ngei, how long do you want? There are only ten minutes left.

The Minister for Housing (Mr. Ngei): I want ten minutes.

Mr. Makone: On a point of order, I thought the Minister for Housing would agree to give me one minute.

The Speaker (Mr. Slade): I pointed out to the Minister that he only has ten minutes left, whereupon he thought he had better start now.

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, I thank the Mover of this Motion

in trying to point out to the Government, especially to the Ministry of Housing, the places where we seem, according to him, not to have moved. Of course, Mr. Speaker, the anxiety of the Mover and the Seconder, is vividly displayed by the manner of their high-pitched tone of voice when they speak, because they are feeling the touch and the problem of their constituents. I hope, this evening, I shall be able to allay their fears and show them that we are not ignoring the rural areas.

I hope the information I will give to the House will satisfy the Mover and the hon. Members of this House. Before I do that, Mr. Speaker, Sir, is it not wise, is it not right that I challenge the hon. Members for not probing me? How many of these two hon. Members, how many of their constituents have they brought to my office saying, "Mr. Minister, you are a public servant, what about a loan for such-and-such a farmer, for such a trader, for such-and-such a member of my constituency?". How many have done that? I am asking, how many have done that? I know that some hon. Members have brought their people who wanted loans. I also know that I have approved their loans outright and they have received the money. Mr. Speaker, if we could try to get information, I think we shall avoid quite a lot of fears in this House that the Ministers are not doing their best. I assure the hon. Members that action is my order of the day. Kakamega has been mentioned today, that it has not received the attention of the Ministry. To your surprise, Mr. Speaker, Sir, today, this morning, I authorized two loans for Kakamega District going to individuals. I authorized them and said "Give this gentleman that money to build a decent house, in order that he may breathe the fresh air of this independent country."

Therefore, it is only a question of the hon. Members probing and bringing their people forward. I cannot go and fish out the members from a society at Embu and beckon to them, Mr. Speaker, and say, "Come and build a good house". I think there is an old saying that "He who feels the itch knows how to scratch the part that itches". Therefore, the Government has laid down the housing policy, directives have been issued through the normal media in the Voice of Kenya and also in the newspapers. Pamphlets have been issued on how to acquire loans. They are in the offices of the housing officers or in the offices of the district commissioners. These should be made use of and the question of coming here and raising a question which has already been settled, Mr. Speaker, gets us nowhere because we do so because of being ignorant of the facts.

[The Minister for Housing]

I want to say this: where the hon. Mover says (a) but I can say it is true because you do not know. We have sent pamphlets to tell you what to do to get loans. The question of quoting, Mr. Speaker, the number of houses that have been built and saying they are 389—who knows whether some of these houses were not built before the formation of the Central Housing Board. How many times have I issued loans to individuals in Fort Hall, in Embu, in this and that district when Members have not asked me to. It is unfortunate that my Assistant Minister did not have up-to-date information about this. However, I must thank the hon. Mover because this is the first Motion on the Adjournment directed to my Ministry—in other words I have been satisfying you, hon. Members. I therefore do not mind having this one, Mr. Speaker. I hope the hon. Members are going to be happy about my reply. Let us hope so.

May I say, with the approval of this hon. House, that a total of £250,000 is earmarked on the next Financial Year to go to rural housing. I repeat, that subject to approval of this House, a sum of £250,000 has been earmarked for housing projects in the rural areas and I am going to watch whether the hon. Mover is going to object to this or perhaps oppose it. I shall keep an eye to see whether, when the next budget comes—I shall be watching you hon. Members—you will oppose my Ministry's Estimates.

Mr. Speaker, the further information that I would like to give to the hon. Members is that recently, Sir, I issued a directive that applications coming from the rural areas must be processed immediately, and if there are any difficulties at all they must be referred to me. That is why I am taking a keen interest. One vital and most important point which was raised by the two speakers, the hon. Mover and Seconder, is the question that has been embodied in the first regulations when loans for housing in the rural areas are processed. This is the question, Mr. Speaker, of a local authority being asked to sanction loans; it is what is called "loan sanction". This requirement is the one that has been impeding the progress in housing in rural areas. I have spotted this anomaly and I can assure the hon. Members of this House that this is going to be removed or rather has been set aside in order that the progress may go on. We know that most of the local authorities have suffered greatly, financially, because of the running of their affairs, and it is becoming increasingly difficult for local authorities to do this.

Mr. Makone: On a point of order, Mr. Speaker, if the hon. Minister is giving the impression that

there are houses all over the country, is there any way of asking him whether there is any in Kisii District because there are not any in Kisii?

The Speaker (Mr. Slade): Mr. Makone, that does not make a good point of order. A valid point of order would be to ask the Minister to substantiate that there is activity all over the country, but that would be quite impossible in the very short time we have; so I think we must let it rest. We know you are not happy regarding Kisii. I think we should go on now. No more points of order.

Mr. Ngei: Mr. Speaker, I would like to inform the hon. Member, that he received £9,000 the other day. I signed the document authorizing payment of the money and I do not see why he did not, in fact, come to my office for more money. If he did, I would have approved his application. Mr. Speaker, I think he is aware that I gave £9,000.

I was saying that this loan sanction by local authorities, Mr. Speaker, Sir, was a real impediment for the people who wanted loans. Therefore, I have introduced this new system and I think the hon. Member will be very happy.

Coming to another very important point, I have housing pilot schemes in various places, and I have appointed provincial housing officers in various districts. One pilot scheme is at Voi, which will cater for the Coast. Another one is going to either Embu or Kirinyaga, and will cater for Central Province, and I am also setting up another one. I have two more appointments for provincial housing officers to go to Nakuru and to another town who will be bringing me problems concerning housing in the rural areas. Mr. Speaker, Sir, I am moving fast; but I must move carefully so as to see that the Government money is not put into a hole. I must see that the normal economic operations are followed, that when you get the money you will be able to repay it.

If it is the question of housing the destitute, then this comes under the umbrella of the Ministry of Social Services and, of course, I am ready to help, as I am going to do very soon in Mathari Valley. Therefore, I must thank the hon. Member for prompting me and I assure you of my fullest co-operation in removing this anomaly. Thank you.

ADJOURNMENT

The Speaker (Mr. Slade): It is now time for the interruption of business. The House is therefore adjourned until tomorrow, Wednesday, 4th June, at 2.30 p.m.

The House rose at Seven o'clock.

Wednesday, 4th June 1969

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

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

PRAYERS

NOTICE OF MOTION

AMENDMENT TO STANDING ORDER 17

The Minister for Housing (Mr. Ngei): Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:—

THAT, Standing Order No. 17 be amended in paragraph (1) thereof, by deleting the word "Mondays" therefrom.

ORAL ANSWERS TO QUESTIONS

Question No. 139

ENTRANCE TO JOGOO HOUSE FOR MEMBERS

Mr. Kiprotich asked the Vice-President and Minister for Home affairs if he would tell the House why the Members of the National Assembly were not allowed to enter Jogoo House through the front gate.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Matano): Mr. Deputy Speaker, Sir, I beg to reply. There is no objection to Members of Parliament using the front gate of Jogoo House (Old Wing) subject to availability of parking space and provided that hon. Members are not accompanied by Members of the public who would otherwise be required to enter Jogoo House through the normal reception office for visitors.

Mr. Kiprotich: Mr. Speaker, Sir, will the Assistant Minister tell the House, if a Member of Parliament is accompanied by his constituency people who want to enter Jogoo House and cannot do so through the front gate, and the Member has an appointment with the Minister, why does he need to have another pass for his visitors?

Mr. Matano: Mr. Speaker, Sir, that is quite easy. The hon. Members must realize that if people are just allowed to go in without any check, that is not really the ideal thing. What we are requesting the Members to do is this. When they pass through the front door, and they have a group of people with them, they should tell them to go the other way and get proper admission to the building.

Mr. Lorimo: Mr. Deputy Speaker, is the Assistant Minister aware that I, personally, went to Jogoo House and was refused entrance one day?

Also, in view of the fact that the Assistant Minister is contradicting himself, I had a similar Question last week and at that time he said that no Members of Parliament were free to go anywhere, will he say that from now onwards he is going to instruct all those who are at the gates to make sure that every Member of Parliament will be allowed to enter Jogoo House without any difficulty?

Mr. Matano: Sir, I have already answered that question.

Mr. Kioko: Mr. Speaker, Sir, could the Assistant Minister agree to issue permanent passes for Members of Parliament so that they can enter the building freely—

Hon. Members: We have them already. We have them.

Mr. Matano: Sir, if I remember correctly, I think all hon. Members have cards to enable them to enter any Government offices.

The Deputy Speaker (Dr. De Souza): I think this is getting a little beyond the Question. I think what the Question really meant is why Members of Parliament were not allowed to enter through the front gate rather than the back gate. I think the idea was that Members of Parliament were told that they were not allowed to use the front gate; it was reserved for the Ministers and the Permanent Secretaries only.

Mr. Mbogoh: Mr. Speaker, Sir, arising from a previous reply, will the Assistant Minister tell the House why, out of 12 working hours, that car park in front of Jogoo is empty although the *askaris* at the gate have been instructed not to allow any Member of Parliament to enter there, whether there is space or not?

Mr. Matano: Sir, first of all I do not agree with the hon. Member when he says that those areas are empty for 12 hours.

Another point, Sir, is that these areas have been earmarked for certain officers and Ministers. If the Minister is not there, and somebody else comes and parks there and then it follows that when the Minister comes in he will not have a place where he can park his car. This is the reason.

Mr. Kebaso: Mr. Speaker, Sir, since Members of Parliament are privileged to go anywhere within the country, will the Assistant Minister, who has given no reasons for the previous refusal to Members not to enter Jogoo House by the front door, now apologize to the House for this serious mistake?

Mr. Matano: Mr. Speaker, Sir, I do not think it is a mistake. I do not agree it was a mistake. There was a good reason for that. I have explained to the Members now that they are allowed

[Mr. Matano]

to enter through the front door, but if they are accompanied by Members of the public, then the public must go by the back door.

The Deputy Speaker (Dr. De Souza): Next Question.

Mr. Lorimo: On a point of order, Mr. Speaker, because I asked a similar Question last week, does it mean that what I said last week and whatever I said today is contrary to the Ministry's policy?

The Deputy Speaker (Dr. De Souza): Order! I think there is a slight misunderstanding. What you asked last week was slightly different. Today, the Question is, why Members of Parliament are not allowed to use the front door, why they have to go through the back door. That is the substance of the Question.

Last time I think your Question was—I may be wrong, I am now speaking from memory—why Members of Parliament were not allowed to see Ministers in Jogoo House. There is a slight difference.

Hon. Members: On a point of order—

The Deputy Speaker (Dr. De Souza): Order! Order! There are so many Members who have risen on a point of order. If any hon. Member wishes to raise this matter on the adjournment, we can go ahead now because we do not want to go into lots of points of order.

Mr. arap Biy: My point of order is a straightforward one. I would like, Sir, to seek your guidance whether I would be in order to ask for your assistance to give a ruling on this matter because we would like the Minister to make a Ministerial Statement to the effect that this point is made clear: whether Members of this House are not allowed to enter through the front door of Jogoo House.

The Deputy Speaker (Dr. De Souza): Order! Order!

I think the Assistant Minister has made it quite clear. He said that from now on, irrespective of what happened in the past, Members of Parliament can use the front door and use the front car park provided there is space, and also provided they do not have members of the public with them. I think this is what he said quite categorically, and we do not need to go further into this.

We will now go on to the next Question.

Mr. Ekitella: On a point of order, Mr. Speaker, since cards have been issued to the Members of Parliament, and if you read the card at the top

it says, that every Member of Parliament can enter any official office without being stopped, could the Assistant Minister tell us—

The Deputy Speaker (Dr. De Souza): That is not a point of order.

Mr. Mbogoh: On a point of order, Mr. Deputy Speaker—this is a genuine point of order—although the Assistant Minister has said that Members of Parliament can be admitted to Jogoo House subject to availability of space and having no other friends with them, I can produce evidence to show that the card given to Members of Parliament is a card which says that So-and-so is a Member of Parliament while that building issues cards which permit people to enter Government offices have written, clearly, on them that So-and-so is entitled to enter any Government office.

So, Sir, what I want to say now is, Jogoo House being a public building and a public institution where the public are expected to go, can this not form a basis of discussion under Standing Order 20 because it is a matter of administration?

The Deputy Speaker (Dr. De Souza): You took a long time to come to that, I am afraid.

We will now move on to the next question, Mr. Munyi.

NOTICE OF MOTION FOR THE ADJOURNMENT

MATTER OF REPLY TO QUESTION NO. 139:
ENTRANCE TO JOGOO HOUSE BY MEMBERS

Mr. Mwalwa: Mr. Speaker, Sir, in view of the fact that this House feels that the answer given to the Members is insufficient, I would like to raise this on the adjournment provided I have the permission of the Questioner.

The Deputy Speaker (Dr. De Souza): Do you agree, Mr. Kiprotich?

Mr. Kiprotich: Yes, Sir.

The Deputy Speaker (Dr. De Souza): Yes, that is all right, Mr. Mwalwa.

Question No. 105

BETTER PROVINCIAL HEADQUARTERS' OFFICE AT
KISUMU

Mr. Ondiek-Chillo asked the Minister of State, President's Office, if he would tell the House if there was any plan for building a better Provincial Headquarters Office at Kisumu.

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

Mr. Ondiek-Chillo: Mr. Speaker, Sir, arising from that, "Yes, Sir", could I hear from the Minister as to what amount of money has been estimated for that building and when the building will be started.

Mr. M. Koinange: Mr. Speaker, Sir, would the Member repeat this question, I did not quite get it.

Mr. Ondiek-Chillo: The Minister said, "Yes, Sir", to my question, which indicated that there is a plan for building an administrative headquarters at Kisumu. What I am asking him is this. Could he tell the House how much money has been estimated for that building, and when is the building going to be started?

Mr. M. Koinange: The question was whether there is such a plan, and to that I replied, "Yes Sir". There is a plan but as to when this plan may be effected depends on the availability of funds.

The second point I want to make to the Member is this. There have been two possibilities on the question of the site for the new provincial administration building. One, is adjacent to the law courts where the place is much too small.

The second possibility is in an area between the provincial police offices and the market. This is a larger area. So far, no definite solution as to which of the two possibilities has been made but the plan to put up the headquarters does exist.

Mr. Ondiek-Chillo: Could we get an assurance from the Minister that the estimate for this particular plan will be in the current Development Plan of 1969/70, when this comes to the House for approval?

Mr. M. Koinange: Mr. Deputy Speaker, the estimate of this Government building does exist and it is for this Parliament to pass the vote for that; the plan is there.

Mr. Jamal: Mr. Deputy Speaker, arising out of the reply, do we understand that Government has not assented to the proposal of how soon the building will start?

Mr. M. Koinange: I did not get him.

Mr. Jamal: Do I understand that there is no specific proposal to start the building because we are not told when the building will start or how much money is earmarked?

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

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

Mr. M. Koinange: Mr. Speaker, Sir, the proposal is there, the plan is there, efforts are there because the investigations of the two appropriate

sites are going on, and although those three points are there, the other point is the availability of finance and the Ministry concerned with administration is still looking for funds. Members should rest assured that will be done.

Mr. Jamal: Mr. Speaker, is the Minister aware that the present building is so old that it is going to give way one day?

Mr. Ondiek-Chillo: It will collapse and kill the provincial commissioner.

Mr. M. Koinange: It is not just for the provincial commissioner, but the building is for the whole country.

The Speaker (Mr. Slade): Next question.

Question No. 110

COLLECTION OF MONEY BY EX-KANU CHAIRMAN, KILIFI

Mr. Mwatsama asked the Minister of State, President's Office, if he was aware of the public money collection in Kilifi District in the name of Mr. Pane Kambi Ngala, ex-Kanu district chairman, and what was the purpose of this collection and how was the money disposed of.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. Sir, I am not aware.

Mr. Mwatsama: Mr. Speaker, arising from that reply, is the Minister prepared to assure this House that he is going to make investigations, if I lay on the Table a receipt which has been issued in the name of Paul Kambi Ngala at the moment, because I have got one here?

Mr. M. Koinange: Yes, Sir.

(The hon. Member laid the receipt on the Table)

Mr. Ondiek-Chillo: Arising from this answer, Mr. Speaker, where a receipt has been laid on the Table, which proves that the man in question collected some money illegally, would the Minister actually tell the House whether he is going to investigate and then deal with the man in question according to the law, because this is an illegal Kanu collection of money which is actually meant for destroying the other party?

Mr. M. Koinange: Mr. Speaker, Sir, I was still right because I could not tell the House that I was aware of that which was in his pocket, and having tabled that, the information that I have here is from the district commissioner who denies any knowledge of illegal collection of money by Mr. Pane Kambi Ngala. If this is produced I will take it to my office and I will investigate definitely.

The Speaker (Mr. Slade): Next question.

Question No. 106

INCREASE IN NUMBERS OF EXPATRIATE ADVISERS

Mr. Ondiek-Chillo asked the Minister for Economic Planning and Development why the numbers of expatriate advisers had increased so much in the country after independence.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, I beg to reply. At the time of independence, Kenya faced an acute shortage of professional and technical personnel required to man the energetic development programmes in all fields, which the country embarked on as had been earlier promised by the Kanu Government. This manpower shortage was a result, partly, of the inadequate educational and training opportunities available to our people during the colonial era, and partly to the considerable outflow of expatriate civil servants at the time of independence.

The massive development programmes which we initiated required then, and still require today, many more technical and professional personnel than are available locally and we are therefore forced to obtain the additional personnel from friendly foreign governments and private organizations. I should, of course, mention that the country is making every effort to train its own people and these efforts are going a long way to meet our needs, but our output of trained manpower, at present, cannot keep in step with our heavily expanded development programmes.

I would like, however, to assure the hon. Members that the Government does not bring into the country foreign personnel unless these are absolutely required, that is in terms of the criterion that we have no local person to do a job and that the expert is fully qualified for the job.

Mr. Ondiek-Chillo: Arising from that answer, Mr. Speaker, and according to the information I am given here, it shows that in 1965 we had 276 of these expatriates and that in October 1968, we had 70 of them. Could the Minister tell the House as to how they are making efforts in actually training the local people, whereas in the information given, it appears as if the efforts he is talking about cause the numbers of expatriates to increase, and I guess that by 1979, we might have 1,000 of them. Is it true that the training of local people is taking place?

Mr. Mboya: Mr. Speaker, first the hon. Member has an advantage over the other Members in the House because I did not read another part of the answer which is additional information,

and it is only fair that the other Members should have this information before I answer this supplementary. The additional information given—which is available to the hon. Member—is that the comparative numbers of personnel for 1965 and 1968 are as follows: experts, in October 1965, 276; in October 1968, 700; volunteers: October 1965, 222; in October 1968, 660.

Secondly, the current sources of technical assistance personnel that we have in the country are: the United Kingdom, the United States of America, Czechoslovakia, the Union of Soviet Socialist Republics, the United Nations, Sweden, Norway, Denmark, Yugoslavia, Germany, Canada, the Netherlands, Japan, the Ford Foundation, France, Italy, Israel, New Zealand. Our policy is to get personnel from any source that can meet our requirements.

Thirdly, about 67 per cent of all technical assistance personnel is absorbed by the two sectors: namely education and agriculture. Education has 210 personnel which represents 30 per cent of the total number that we have; agriculture has 140 personnel which represents 20 per cent of the total personnel. The two of them together represent 50 per cent of the total personnel. The reason for the increase in education and agriculture is the expansion of the system; the expansion, through development, of the secondary education system, as well as the expansion in agricultural extension services.

Mr. Makone: Mr. Speaker, is the Minister aware that we have School Certificate boys who have passed in the first and second division at home, and can the Minister therefore tell the House what technical advice they could give to our country?

Mr. Mboya: Mr. Speaker, Sir, the hon. Member speaking must surely be aware—and I believe he has met some of these personnel in his own district—that the secondary school teachers that we import into the country are graduates in order to teach at the secondary schools, and you could not take the Cambridge School Certificate school-leaver and make him a teacher in the secondary school system before you have trained him.

The second point, Sir, is that there is a certain expert that we need to man the services and development in certain areas, which we cannot do with a secondary school-leaver, unless he has been given further advantage of training. What Government seeks to do is to give the secondary school-leaver further advantage of training so that he can be used later.

The Speaker (Mr. Slade): Next question.

Question No. 148

NUMBER OF CASES OF DESERTION IN ARMED FORCES

Mr. Karungaru asked the Minister for Defence if he would tell the House how many cases of desertion from the armed forces of Kenya had occurred between 1966 and 1968; how many of these deserters had been arrested and punished; also had the number of cases of deserters increased or decreased.

Mr. Odinga: On a point of order, Mr. Speaker, do you think that it is fair for the Minister to keep you busy so that you do not even notice that there were so many Members who were interested in the particular question which the Minister was answering?

The Speaker (Mr. Slade): The fact that I get engaged for a moment in conversation does not mean that I have not got ears and eyes elsewhere as well. I was perfectly well aware that there were a number of questions hon. Members would have liked to have asked Mr. Mboya on this question but, unfortunately, we have to move fast today because we have to start on a Supply Day not later than 3.30 p.m.

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

There were 39 cases of desertion from the armed forces during the three full years of 1966, 1967 and 1968, an average of 13 a year. 14 of these deserters have been arrested and punished. The whereabouts of the other 25 is not known.

Desertion is on the decrease. There have been only three cases in 1969, up to the end of May.

Mr. Karungaru: Arising from that reply, and bearing in mind that this question of deserters is one of the disappointing issues in an independent country like Kenya, what is the Ministry doing to see that these other deserters whose whereabouts is not known up to this moment, so that these fellows are brought before the court-martial on trial to see that they are punished? Our country—

The Speaker (Mr. Slade): Order! Order! You have asked your question.

Mr. Njeru: Mr. Speaker, Sir, I have said that 25 are at large, but we are carrying out investigations as to their whereabouts; if we find them we shall certainly bring them to court.

The Speaker (Mr. Slade): Next question.

Question No. 141

HEALTH INSPECTORS' TRAINING PROGRAMME

Mr. Munyi asked the Minister for Health if he would tell the House why no mention was

made in the high-level manpower report of 1964/1967 of a health inspectors' training programme, and what immediate action was the Ministry taking to increase the total number of health inspectors, as well as improving their qualifications and standards.

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

Although no specific training programmes for health inspectors were mentioned in report of 1964/67, in the manpower survey which will be issued in the next few months, health inspectors will be included.

The Ministry has plans in the current and next development periods for increasing the number of health inspectors.

Regarding qualifications and standards of health inspectors, the Ministry is quite satisfied with their general performance. In addition, field officers are given specific short courses from the latest development in the techniques of their profession. Also, selected individuals are sent for specific courses and study tours.

Mr. Munyi: Mr. Speaker, Sir, arising from that answer given by the Minister, is the Minister aware that it was not long ago when one of the Ministers—the Minister for Economic Planning and Development—addressed health inspectors at a meeting held at Nakuru where he gave the health inspectors an assurance that in future, the Government or his Ministry was going to do something to see to it that more facilities were given to health inspectors? Secondly, that the Government was trying to find ways and means of improving the present standard of health inspectors so that there would be no defections from the Central Government through health inspectors joining either the city council, municipalities or other private organizations? This is therefore contrary to the assurance given by the Minister and he should give an answer to that, Mr. Speaker, Sir.

Mr. Otiende: Mr. Speaker, Sir, I do not want to contradict the hon. Member, but he is bringing in the major exercise in which the Government has been engaged, of trying to put health inspectors in their proper places *vis-à-vis* the other members of the Civil Service.

The hon. Member will remember that a few months ago, there was a Government survey team which tried to equate salaries and to put people in their proper places. I think the speech which is supposed to have been made—although I have no recollection of it—was because the health inspectors were asking for a higher pay and more recognition. I think the answer will be coming in the next question of the hon. Member.

The Speaker (Mr. Slade): We will go to the next question then, Mr. Munyi.

Question No. 144

HEALTH INSPECTORS' SALARIES

Mr. Munyi asked the Minister for Health if he would tell the House—

- (a) what the total number of health inspectors working with both Central Government and local authorities was; and
- (b) whether the Minister was aware that the basic salary of health inspectors in 1964 was £1,096 a year, and that it was reduced to £850 and then further reduced to £708.

The Minister for Health (Mr. Otiende): Mr. Speaker, Sir, I beg to reply. (a) There are 133 health inspectors working with both the Central Government and local authorities.

(b) (i) The salary of the health inspectors in 1964 was not £1,096 a year but was £850 per annum. The £1,096 was the figure recommended by the Pratt Salaries Review, but this figure was never accepted by the Government and, instead, the £850 per annum was adopted.

(ii) The latest salaries review recommended that the salary attached to the post of health inspectors newly joining the service be paid at £708 instead of £850. This was to bring it into line with similar levels of training undertaken by the Ministry.

Mr. Munyi: Mr. Speaker, Sir, arising from one of the answers given by the Minister, is he aware that one of the many reasons why at present there is a shortage of health inspector personnel in most of the districts in Kenya is that the salary which is given to health inspectors is so low that it does not conform with the present facilities which should be given to health inspectors? Mr. Speaker, Sir, it is high time the Minister—

The Speaker (Mr. Slade): Order! Mr. Munyi, you have asked your question and you cannot make a speech. It was quite a long question.

Mr. Otiende: Assuming that the hon. Member has asked his question, Mr. Speaker, Sir, I can only say that in view of what the last salary commission review recommended—that the entry point of health inspectors be lowered to remove the anomaly of entry points of professional staff; this recommendation was of course accepted by the Government—it is not possible to make a case altering that position as it stands now. Mr. Speaker, Sir, it is true that there is great sympathy for health inspectors, both in this House and outside in the Civil Service, to retain their former

position, but the reason was that the course which is undertaken after attaining Cambridge School Certificate Examination takes three years and there are other courses taking three and a half or four years. It was found that the health inspectors were starting at a higher scale than the other people of similar training and qualifications and therefore it was recommended that they start at a lower scale, for those who are starting now; but they are still on the same salary scale and maybe they will serve the Government longer.

However, the question of local authorities and their salary scales is a question which has been with us for many years and I would like to say that we should be pleased if the House would solve the problems for us, because it is not only for the health inspectors; even doctors and other professional staff like engineers in local authorities are paid far higher than their counterparts in Central Government. This is one of the problems that the Government machinery should solve, not the Ministry of Health.

The Speaker (Mr. Slade): Next question.

Mr. Munyi: On a point of order, Mr. Speaker, Sir, and arising from one of the answers given by the Minister, is it not in order that the House will give "okay" to whatever proposal you give to this House when a Minister makes—

The Speaker (Mr. Slade): Order! Order! That is not a point of order. Next question, Mr. Barasa.

Question No. 136

KIMILILI HEALTH CENTRE TO BE A COTTAGE HOSPITAL

Mr. Barasa asked the Minister for Health if he would tell the House when the Kimilili Health Centre would be established as a Cottage Hospital.

The Minister for Health (Mr. Otiende): Mr. Speaker, Sir, I beg to reply. There is no plan at present to upgrade Kimilili Health Centre from what it is, a full-fledged health centre, to a cottage hospital, due to shortage of funds, but when the funds are available, it will be considered along with others that have been recommended for upgrading.

Mr. Speaker, Sir, when the suggestion was made to upgrade Kimilili Health Centre, the circumstances were different. Now Kimilili is surrounded by other health centres which did not exist and, therefore, the whole subject will have to be reviewed again.

Mr. Khaoya: Mr. Speaker, Sir, arising from the Minister's reply that there are no funds, can he tell the House as to what steps he is taking to see that he gets the funds necessary for this Kimilili

[Mr. Khaoya]

Health Centre since it was he himself who gave the promise when at one time he had visited Bungoma.

An hon. Member: Were you there?

Mr. Khaoya: Yes, I was there.

Mr. Otiende: Mr. Speaker, I do not know whether the hon. Member was a Member of this House then; however, he might have been; he is cavesdropping.

Mr. Speaker, Sir, Kimilili is a very heavily populated area and, at that time, our intention in the Ministry was to raise Kimilili Health Centre into a cottage hospital because it is far from Bungoma. But two things have happened since then; first of all the people who live on Mount Elgon have built up a very big health centre at Kapsakwany and so they do not come to Kimilili any more. A few miles away, the Catholic Mission has built a very decent little hospital at Misikhu which serves the same people. A short distance away the Friends' Mission have put up a biggish kind of health centre at Lugulu, and now, Sir, we ourselves have just offered some money to put up another health centre in the settled area which is now called Najjiri-Ngalu. The pressure which was to be on Kimilili Health Centre is relieved and the problem can therefore wait for the time being.

The Speaker (Mr. Slade): Next question, Mr. Shikuku.

Mr. Ngala-Abok: Mr. Speaker, bearing in mind that this National Assembly is still allowed to conduct its affairs in English, and seeing that there is a mistake or not good English written on the Order Paper, and noticing that there are students attending our proceedings, will it not be in order for the hon. Member asking the question to correct the English or the Speaker to remind him that the English is incorrect?

Hon. Members: Like which one?

Mr. Ngala-Abok: Like the question we have just dealt with.

The Speaker (Mr. Slade): Hon. Members can allow for an occasional clerical error. We have not much time to waste.

Question No. 140

BUSES TO AND FROM KANGEMI

Mr. Shikuku asked the Minister for Power and Communications if he would tell the House whether he was aware that there were only three buses to serve the people of Kangemi, and the residents in that area were always late for duty, particularly in the morning because the three buses could not meet the demand.

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

There are four bus services to and from Kangemi operating at present. Three operate in the morning, from Kangemi to Nairobi commencing at 7 a.m. 7.15 a.m. and 7.30 a.m. The fourth operates in the evening from the city centre to Kangemi at 5.15 p.m.

The Kenya Bus Services Ltd. have recently been given permission to operate another service, and as soon as they have a vehicle, they propose operating it in the mornings. This additional service should meet the demands referred to by the hon. questioner.

Mr. Shikuku: Arising from that reply, will the Assistant Minister not agree with me that this was the golden chance when KENATCO, which is our own company, should have been given a chance to help the people in this area rather than the Kenya Bus Services Ltd. which is monopolizing everything, and above all, which is attached to Britain?

Mr. Munoko: Mr. Speaker, Sir, I suppose it is, but then the Kenya Bus Services Ltd. is doing the work.

Question No. 135

AREA COUNCIL'S ELECTION DELAY, BUNGOMA

Mr. Barasa asked the Minister for Local Government if he would tell the House—

- (a) what had delayed the area council elections in Bungoma District; and
- (b) who had authorized the public area council's expenditure since there were no such councils existing in the whole district.

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

(a) There are no area councils in Bungoma District and therefore no elections for such area could have taken place.

(b) Since there are no area councils in that district, the question of authorizing expenditure in those areas does not arise.

Mr. Barasa: Mr. Speaker, Sir, is the Assistant Minister aware that Bungoma District Area Location is raising Sh. 17 per person as a rate for the local council and there should be a council to authorize the expenditure of such an amount of money?

Mr. Njiiri: Mr. Speaker, Sir, that is not an area council. At present there is what we call a winding-up commission so that after the review commission, everything will be set up.

Mr. Barasa: Mr. Speaker, Sir, if there is this commission, why is it that there are certain locations in Bungoma District which impose a charge of Sh. 2 per person? Who authorizes this, because instead of paying Sh. 15, people are paying Sh. 17. Who is authorizing this when there is no council existing in Bungoma?

Mr. Njiiri: Mr. Speaker, Sir, I told the hon. Member that at the present, there is the winding-up commission and the commission is now running those areas.

Mr. Barasa: Mr. Speaker, Sir, for how long will this commission operate over the people of Bungoma without councils?

Mr. Njiiri: Mr. Speaker, until the real commission has started the work.

Mr. Karungaru: On a point of order, Mr. Speaker, what does the House do when a question like this one has been asked and the Assistant Minister, who is also the chairman of that commission, is the one answering it?

An hon. Member: He is not the chairman.

The Speaker (Mr. Slade): The House listens as usual.

Question No. 113

TELEGRAPHISTS, ETC., IN E.A. POSTS AND TELECOMMUNICATIONS

Mr. Mwatsama asked the Minister for Power and Communications to tell the House—

(a) how many School Certificate telegraphists and phonogram operators had been engaged by East African Posts and Telecommunications Administration between 1965/68; and

(b) how many had since resigned or had been dismissed.

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

The East African Posts and Telecommunications Corporation started recruiting young men with and without School Certificate for telegraphist grade even before 1965. As for the period in the question, the following information will probably suffice the hon. Member:—

(i) With Cambridge School Certificate 1965 to 1968, 31 were engaged, five resigned and one was dismissed.

(ii) Without Cambridge School Certificate 1965 to 1968, 41 were engaged, 19 resigned and four died.

Mr. Mwatsama: Mr. Speaker, since this figure appears to be very high, could the Assistant Minister tell us the reasons why these people are

resigning. Is it because they are given low salaries by the Government and therefore, they decide to join other firms?

Mr. Masinde: Mr. Speaker, Sir, I am surprised to hear the hon. Member allege that the figure appears to be high. When 31 School Certificate holders were recruited, five only resigned. You cannot control someone who wished to resign; if he resigns it is his own business. There are so many other people who would like to do that same job, and so they take up the places left by those who resign.

Question No. 22

ELECTRICITY FOR BUNGOMA TOWN

Mr. Khaoya asked the Minister for Power and Communications if he would tell the House when Bungoma town was going to get electricity.

The Assistant Minister for Power and Communications (Mr. Masinde): Mr. Speaker, Sir, I beg to reply. The question of supplying Bungoma township with electricity is very involved and I hope the hon. Member will try to be patient enough until the other projects, which are supposed to be established around Bungoma, are established and then the town will be supplied with electricity.

Mr. Khaoya: Mr. Speaker, Sir, can the Assistant Minister tell us whether we can hope to get electricity before the next general election?

Mr. Masinde: Mr. Speaker, Sir, we have been in this House for six years, and this is long enough to enable us not use any of the Government's projects for electioneering.

Question No. 114

SHORTAGE OF TEACHERS; ISAAC NYANDO PRIMARY SCHOOL, RABAI

Mr. Mwatsama asked the Minister for Education if he would tell the House whether he was aware that there was a shortage of three teachers in the Isaac Nyando Primary School, Rabai, and if so, what was the Minister doing to carry out their replacement.

The Minister for Education (Dr. Kiano): Mr. Speaker, Sir, I beg to reply. There is no shortage of teachers at present at the Isaac Nyando Primary School. It is true that at the beginning of the year, there was a shortage of three teachers, but this situation was then corrected and at present the school has 15 teachers for the 14 classes.

Mr. Mwatsama: Mr. Speaker, is the Minister aware that the school committee is complaining and the headmaster reported that there should

[Mr. Mwatsama]

be 17 teachers instead of 15, and that eight out of the 15 are untrained. Why are there eight untrained teachers?

Dr. Kiano: Mr. Speaker, Sir, I think the complaint is absolutely unjustified. If the hon. Member would like to know the qualifications of the teachers there, are only five untrained teachers, but 10 are trained teachers.

Question No. 108

HEADMASTER OF ST. JOHN'S PRIMARY SCHOOL

Mr. Munyasia: Mr. Speaker, in my opinion, as I went through this Question, I thought this Question was answered some time ago, and therefore there is no necessity of repeating the same Question. I think it was repeated by mistake. It was answered some time back.

The Speaker (Mr. Slade): I apologize for the mistake of its re-appearance. We have to come back to Mr. Munyi's first Question.

(Question No. 108 withdrawn)

Question No. 143

VIOLATION OF WORK PERMIT RULES

Mr. Munyi asked the Vice-President and Minister for Home Affairs if he would tell the House the total number of employers who had been convicted illegally in 1968 for employing non-citizens who had no work permits.

The Assistant Minister, Vice-President's Office and Ministry for Home Affairs (Mr. Matano): Mr. Speaker, Sir, I beg to reply. The number of employers who were convicted in 1968 for illegally employing non-citizens who did not have work permits was 18.

Mr. Munyi: Mr. Speaker, Sir, arising from that answer is the Minister aware that cases of this nature are increasing every day, and that they are cropping up almost daily in the newspapers? Mr. Speaker, Sir, this is a fact. In view of that, what is the Government doing to see to it that severe punishment is imposed on people who commit offences of this nature so that they may be stopped?

Mr. Matano: Mr. Speaker, Sir, I am not aware that the number is increasing. I would like, however, to assure the hon. Members that the Government is wide awake and whoever is caught will be punished accordingly.

Mr. Munyi: Arising from that answer and bearing in mind the fact that we unanimously passed an Act in this House to that effect, what sort of machinery is the Government using to trace cases

of this nature? There are certain people who cannot be found unless other machinery is established by the Government. There are certain companies either in the industrial area or for that matter other places where people are working illegally who cannot be traced. Mr. Speaker, Sir, will the Government therefore reveal the policy—

The Speaker (Mr. Slade): Order! Order! Mr. Munyi your questions are much too long. They always become speeches. Just ask a straight question and do not follow it up with other arguments. You have asked a question now, so you had better wait for the answer.

Mr. Matano: Mr. Speaker, Sir, the Government has adequate machinery to deal with such cases through information being provided. If the hon. Member has any idea of anybody who is contravening this law, he is quite at liberty to inform the Government, and we shall follow it up. Mr. Speaker, Sir, we would like to assure the hon. Members here that the Government is adequately equipped and we are quite ready to deal with any of these cases. There should be no fear, therefore, that the Government will not do its duty.

Mr. Lubembe: Arising from the Assistant Minister's answer, what is the Government doing to correct employers who are upgrading the jobs in which non-citizens are employed and raising them to professional status so that they can obtain permits when these jobs are not professional at all?

An hon. Member: That is a good idea.

Mr. Matano: Mr. Speaker, Sir, this is a different question altogether and I do not see how it is related to the number of employers who have been convicted for this offence in question.

The Speaker (Mr. Slade): Let us go on now.

NOTICE OF MOTION FOR THE
ADJOURNMENT UNDER S.O. 20BLOCKAGE OF BUNGOMA COUNTY COUNCIL ROADS
BY E.A. RAILWAYS AND HARBOURS

Mr. Khaoya: Mr. Speaker, Sir, I am standing to try and get the permission of this House under Standing Order No. 20 so that I may move the adjournment of the House so that we may discuss a matter of national importance.

Mr. Speaker, Sir, towards the end of last week in Bungoma, the East African Railways and Harbours came into a heavy dispute with the County Council of Bungoma which had failed to pay the annual fees due to the complainant, in return for the services rendered on the level crossing. It so happened that the railways were demanding something like Sh. 4,000, which the county council failed to pay, and so the E.A.

[Mr. Khaoya]

Railways and Harbours moved in and blocked the county council's roads in Bungoma—all the cattle paths and the level crossings all over the length of the railway line. We are now disrupted communicationally in the district. With this, I wish to plead with the House so that we can get permission to discuss it today.

An hon. Member: It is serious.

The Speaker (Mr. Slade): It is clearly a definite matter and an urgent matter if communications are disrupted to that extent; and if they are disrupted as alleged throughout the whole district, then I think it is of sufficient national importance to justify a Motion for Adjournment under Standing Order 20 if enough hon. Members feel that it is very important. So, we will see how many hon. Members support you.

(A number of hon. Members stood in their places)

The Speaker (Mr. Slade): You have well over 15. The only difficulty Mr. Khaoya, is that it so happens that we have today a Supply Day; and under Standing Order 143, we cannot interrupt a Supply Day by a Motion for Adjournment of the House. So, though you have every right to move the Adjournment of the House, it will have to be tomorrow but not today. I therefore propose you move the Adjournment of the House at 6 p.m. tomorrow, Thursday 5th June.

PERSONAL STATEMENT

CLARIFICATION OF PREVIOUS STATEMENT

Mr. Shikuku: Some time last week, I think it was on 26th May, when the Attorney-General, on behalf of the Minister for Commerce and Industry, categorically stated in this House that some delegation came from Kakamega District and went to the Ministry and told the Minister, or somebody in the Ministry, that the people of the area in question could not Africanize the trade. This was published in the *Daily Nation* of 27th May and has brought a lot of concern to the people. I would like him to make a statement to the effect that that was not the case at all, because none went to the Ministry.

The Attorney-General (Mr. Njonjo): I am not quite sure that I am clear as to what the hon. Member is complaining about. This is simply because when I replied on behalf of the Minister for Commerce and Industry, I think it was last week, I did say that some hon. Members were honest enough to say that in certain areas, Africans were not yet ready to take over businesses to be run by them. I know the hon. Member has started a campaign 18 months after the operation

of the Act. All I want to say, Mr. Speaker, if I did mention Eldoret—and I do not think I did—if I did mention Kakamega, that was not intended. I hope that in the hon. Member's area he has enough Africans to take over the businesses.

The Speaker (Mr. Slade): I do remember that Mr. Njonjo was pressed as to whether this alleged delegation included hon. Members of this House, and did make it clear that, as far as such a delegation from the Western Province was concerned, he did not allege that it included any Member of the House though I think he did suggest that a delegation from some other place had included Members of this House. It is unfortunate that the newspapers did not give a complete report, but I think it is on record now, that it was not alleged that any Member from Western Province was party to a delegation of this kind.

Mr. Shikuku: May I ask Mr. Speaker, would it be possible to have this mistatement corrected? It was published in the *Daily Nation* of 27th that it was Kakamega? This is what we take exception to. This is because we never sent any delegation and for that matter we shall not send any delegation.

The Speaker (Mr. Slade): The paper concerned will now publish what has been recorded here now.

The Assistant Minister for Education (Mr. Khasakhala): I think I was in the House and was perturbed when the Minister made this particular statement. He clearly stated Kakamega District. If the HANSARD can be sought, we will find Kakamega District clearly written in. A delegation had come to state clearly that some people—

The Speaker (Mr. Slade): Do not pursue this. We have got it quite clear that Mr. Njonjo did refer to a delegation from Kakamega District, but on being pressed, he made it perfectly clear, that he did not allege that any such delegation included any member from that area. That is enough.

POINT OF ORDER

NOTICE OF MOTION UNDER S.O. 20—NOT ALLOWED: MORE INFORMATION REQUIRED

Mr. arap Biy: On a point of order, Mr. Speaker, Sir, we are faced with another threat of a strike by the Kenya National Union of Teachers and its members. This was reported in the papers about a day or two ago. Mr. Speaker, Sir, I would like to raise this matter under Standing Order No. 20. You have already given a ruling that it would not be possible today but if possible, I hope you would not mind to direct me and others

[Mr. arap Biy] in the House how we can approach it. This is simply because we would like to avoid this threat.

The Speaker (Mr. Slade): Mr. arap Biy, I should in any case wish to see more of the facts of the case before I said whether it was a proper occasion for the Adjournment of the House under Standing Order No. 20. I think it is desirable that you should show me what material you have, sometimes before the House sits again. If, in the meantime, you would like to put in a Question by Private Notice, as to how matters stand, I am almost certain that I should be able to allow that.

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

STATEMENT OF EXCESSES: 1965/66

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

THAT, a sum not exceeding K£108,164.10.05 cents be issued from the Consolidated Fund to meet expenditure during the year ending 30th June 1966, in respect of Statement of Excesses 1965/66.

(Question proposed)

Mr. Shikuku: Mr. Chairman, Sir, looking at my copy of the 1965/66 Estimate of Excesses, as stated thereof a sum of K£678 18s. 34 cents.

Mr. Chairman, what I am trying to find from the Minister— I see that they are not paying any attention at all—

The Chairman (Dr. De Souza): Mr. Shikuku, I think we will discuss this according to the departments, so that we do not have an overlapping of debate. We will start with Vote 2— State House. You are in order, go on.

VOTE 2—STATE HOUSE

Mr. Shikuku: Thank you Sir. Now Mr. Chairman, Sir, I see the Minister is talking. I think this is very serious because if you look at the explanation, they say "The Excess Vote of K£678 18s. 34 cents was due to the failure of the Accounting Officer to bring to Account Appropriations in Aid in time". Note the word "failure". His failure, not our failure, but his failure. That is the opera-

tive word. Are we here Sir, as a National Assembly to accept these failures to take our time? The answer is certainly no. Now, Sir, why this Accounting Officer has not been sacked, only God knows. If we have to encourage inefficiency, laziness and failures, and we come and admit them in writing, even our own grandchildren will laugh at us. I disapprove of this very vehemently. The other thing Mr. Chairman, Sir, is that you will find that the explanation below says that "The Public Accounts Committee has examined the circumstances leading to the excess expenditure and recommended that where there was a split in a Ministry, the division of funds should be carried out with greater care in future." "The Public Accounts Committee has examined the circumstances leading to the excess expenditure and has accepted the Accounting Officer's assurance that there would be no recurrence".

He is assuring us, the taxpayers, because of his past failures that it will never happen again. Is this the money of the accounting officer? If it is not the money of the accounting officer, then the money belongs to the public, are we to accept this and follow the explanation? Mr. Chairman, I take great exception to this, because if we have to get only assurance, from this person who, if he is so big that even the Public Accounts Committee, could not recommend his sacking—I would like to know who this guy is—who is so big that he can only give an assurance that he will never do it again, and we say "Hallelujah" and "Amen", he will never do it again. Who is he?

An hon. Member: Is he around?

Mr. Shikuku: Mr. Chairman, Sir, I would like to be told this by the Assistant Minister, who is just taking it easy—he is just looking there and smiling away. Mr. Chairman, I hear the Minister for Works saying this is not important—I wish the Taita people could hear him saying this; he has put on so much weight. He will not come back to this House. It is important, Mr. Chairman when it comes to the question of public money. For the Minister to say that it is not important, it is only the devil that can help him.

Mr. arap Biy: On a point of order, Mr. Chairman, Sir. Is this not an insult to the hon. Minister for roads, when the hon. Member for Butere, tells him that he has put on so much weight that he does not care about this?

The Chairman (Dr. De Souza): Order! I think if it is a question of insult, you are adding to it, Mr. Biy, by trying to raise something else. We do not want a lot of points of order. We have a lot of work to do.

Mr. Mwithaga: Mr. Chairman, this is for the sake of record. The hon. Member, Mr. Chairman, called the Minister, "the Minister for roads", how does that go in the record?

The Chairman (Dr. De Souza): He is in order. we will go on now.

Mr. Shikuku: He has made the situation even worse. Now, Sir, I would like to have a definite statement or explanation from the Minister, why first of all, he accepts these excesses of expenditure, due to the failure of the accounting officer, and also why nothing has been done and only an assurance from the said officer that he will never do it again when he has messed up the public funds.

Mr. Chairman, Sir, this is all I have to say, on Vote 2, the State House.

Mr. Lubembe: Mr. Chairman, Sir, I very much agree with the hon. Member for Butere, on this particular issue. There is one problem which he himself, other hon. Members and I have to face. The problem we might have to face is that the Public Accounts Committee, in its second paragraph says, Mr. Chairman, "the Public Accounts Committee, has examined the circumstances leading to the excess expenditure and have accepted the accounting officer's assurance that there will be no recurrence of excesses of expenditure again".

What I am saying is that the Public Accounts Committee is a committee answerable to this House, and it is the Accounting Committee, that we will have to take to task on this issue. In view of the fact that the accounting officer in any Ministry, is the supervisor of all moneys spent.

The Chairman (Dr. De Souza): Mr. Lubembe, we have already discussed the Report of the Public Accounts Committee, and we passed it a long time ago. We cannot go on discussing the Public Accounts Committee's Report at this stage. We have to decide whether or not we are passing this excess expenditure. We cannot go back to the previous debate that has already taken place, in full on the Public Accounts Committee.

Mr. Lubembe: Mr. Chairman, Sir, I am sorry that you really took me on the wrong direction, I was not going to discuss the Public Accounts Committee, because it is not here.

The Chairman (Dr. De Souza): You did say you were going to take the Public Accounts Committee to task.

Mr. Lubembe: I am saying that those are the people to take to task, and not this particular one accounting officer.

The Chairman (Dr. De Souza): Not at this stage.

Mr. Lubembe: Yes, Sir, not at this stage Mr. Chairman. I would only say that everybody knows, that a Permanent Secretary of any Ministry does all the job of supervising money, and also he is the Accounting Officer. This is a political appointment, and we would like to get assurance from the Minister that he would convey to His Excellency that these kinds of big mistakes should not be repeated by the accounting officers, and if such things happen again, the Minister will have to draw the attention of His Excellency the President to these particular mistakes, so that disciplinary action can be taken.

One more point, Mr. Chairman, Sir, that I would like to add that it is true, is that a thing like this has to be brought here so that we are committed to having to accept a mistake; to me that is not good. I hope, in future, the Minister, whether there is a failure or something like that, will not put in a clause like this. The Minister should say that some explanation has already been given, but when he says that there is a failure and we are being asked to be a party to it, it means that we also are approving this particular failure. That will be very difficult for any Member to approve.

With this, Mr. Chairman, I beg to support.

Mr. arap Biy: Mr. Chairman, Sir, my colleagues have already said enough about this, that we do not want to approve something which really can show us up in the eyes of the public as being failures also. Sir, it is a big shame for the Government, particularly the Treasury, when we have State House, which should set a very clear and good example, spending KSh. 130,000 without the authority of this House. We should give whoever is in charge of the affairs of State House a warning. If anything of this nature happens again, that very same gentleman should be taken before a court of law and tried and put inside. We do not want to approve something which really seems to be a lot of money. This amount is enough for a secondary school in one of the districts of the country. We lack secondary schools, water projects, and so on, and we would like to see that this money is taken good care of. How many fellows in the Republic of Kenya go to State House and make use of this money? Is the hon. Lubembe going there almost every evening to make use of this money? Why is he complaining? Why is he shouting too much?

Mr. Lubembe: On a point of order, Mr. Chairman, can the hon. Member substantiate that I go to State House every evening and make use of this money?

The Chairman (Dr. De Souza): He is not saying that you are going there. He is only asking what is known as a rhetorical question.

Mr. arap Bly: Mr. Chairman, Sir, I was only making a point. My hon. friend was making a lot of *kelele* and that is why I said that probably he was going to State House to consume all this money.

Mr. Chairman, I want to sound a note of warning. This is very serious. I think the Minister for Finance might get away with it this time, but, next time, there will be no further getting away with it. I suggest that we clear this amount of money because if we do not, then the KPU might make use of this saying, "Look, Kanu Government has made use of this money and they never cleared up this excess". Therefore, Sir, we would like to clean up this country by putting things on a proper footing.

I hope the Minister for Finance will go deeper into this and warn everybody, including those in charge of State House.

The Minister for Finance (Mr. Gichuru): Mr. Chairman, Sir, I would like to make it very clear that we in the Treasury are very particular about excesses of expenditure, not necessarily only of State House but of every Ministry. Sometimes we do become extremely unpopular over this. That type of unpopularity has never worried me or the Treasury.

It is quite possible in any Ministry, and we have had instances of this nature, where expenditure of this kind has not been reported on time. Then we find these things later on. As soon as we find them, we report them to the Auditor-General.

He has made his report to the Public Accounts Committee of this Assembly. All we are trying now to do is to ensure, since the Committee itself has agreed that this was in excess, and being satisfied, all we want is to clear this in our accounts. There is no money that is going to be spent any more. This is just to put our accounts right.

I hope that the hon. Members are full of forgiveness. If this particular individual has made a mistake, well all I can say is that we are all human beings. Anyone else can also make a mistake. This was a mistake; the account was not rendered in time. Therefore, the accounts as audited showed this excess.

(Vote 2 agreed to)

VOTE 7—MINISTRY OF DEFENCE

Mr. Munyi: All I want to say, Mr. Chairman, is that the hon. Minister interrupted before I could say something about State House. Sir, I do know what is going on in the Treasury.

Mr. Shikuku: Mr. Chairman, Sir, I am wondering, on a point of order, where we are. Are we still on Vote 2?

The Chairman (Dr. De Souza): We are now on Vote 7.

Mr. Munyi: Mr. Chairman, I very fully agree with the Minister that the Ministry is becoming a little bit unpopular but, in fact, Sir, the Minister has been doing an excellent job. On many occasions, he has been pressurized to approve some excess expenditure, but, every time, he has been very firm. Therefore, Sir, I would like to take this opportunity to thank the hon. Mr. Gichuru for the firm action he has been taking to demonstrate in no uncertain terms that he will never approve money which has not been processed by this hon. House.

Mr. Chairman, Sir, even Members of the Opposition would agree with me that the action which the Minister has been taking is an action which should be credited, because the Minister has been following the directive which was given to him by the House, that, unless any expenditure has been approved by the House, it should not be given the okay, it should not be cleared by his Ministry.

Mr. Chairman I would like to remind hon. Members that the father of the Kenya nation has never stayed at State House. Therefore, Sir, we should—

The Chairman (Dr. De Souza): Order! Order! Mr. Munyi, you know that we are not discussing State House any more. We have passed that Vote a good five or ten minutes ago. We are now discussing the Vote of the Ministry of Defence.

Mr. Munyi: Sir, I very fully agree with you but I wanted only to say that Mzee has not been living there and, therefore—

The Chairman (Dr. De Souza): That is not relevant.

Mr. Munyi: To come now to the Ministry of Defence, Mr. Chairman, I would like to say that I am very much concerned by the amount of money which has been used by this Ministry. When we come to page 3 we realize that the Immigration Department was transferred some time ago from the Ministry of Defence to the Ministry of Home Affairs. Therefore, I do not see the reason why there has been an excess of expenditure in this Ministry. Many hon. Members have, for a very long time, been complaining that what has been going on for the last few months in the Ministry of Defence is something which has only been helping people from one particular area.

The Chairman (Dr. De Souza): Order! Order! This has nothing to do with this I am afraid. I do not know to what you are referring that the Ministry of Defence should help people in your particular area. You have got to stick to the relevance of the Vote, otherwise you will speak for two hours because I know you are capable of doing that.

Mr. Munyi: Mr. Chairman, Sir, naturally I am within the framework of the Vote, but in actual fact—

Mr. Mwithaga: On a point of order, Mr. Chairman, in view of the fact that we seem to have Members only repeating themselves on this issue, may I be in order to call upon the Mover to reply?

The Chairman (Dr. De Souza): Not yet, but Mr. Munyi does seem to be speaking at length and I cannot, as yet, fully appreciate the relevance of what he is saying. Perhaps he will now come to the point.

Mr. Munyi: Mr. Chairman, Sir, in actual fact, hon. Members are going to agree with me that although the figures have been given to us, what is important is that it does not matter what amount of money is used by the Ministry of Defence, but what matters is that I will read an explanation: "As a result of changes in the—

Mr. Okelo-Odongo: On a point of order, Mr. Chairman, Sir, in view of the fact that may not be possible for the hon. Member to be relevant to what is being discussed, should he not be asked to stop so that the other hon. Members can be asked to contribute and we can go ahead?

The Chairman (Dr. De Souza): I will give Mr. Munyi one more chance. Mr. Munyi, please try to be relevant. I do not know whether you have prepared yourself or you are now trying to find out what you want to say. There are so many other Members who also want to speak and if you keep the Floor the whole time nobody else can speak.

Mr. Munyi: Thank you very much, Mr. Chairman. My good friend wanted to interject just for the sake of interjecting.

Mr. Chairman, now I am coming to the very point which I was trying to emphasize. My point is that it is very true that the figure that has been given here is a very clear figure. What I would like the Minister responsible to do is to clarify and give further explanation. Even the hon. Member for Starehe will agree with me that he would like this to be put in that category of saying that this was used for one particular purpose and that was used for another particular purpose.

We agree, Mr. Chairman, that the amount given is quite reasonable and even the Member for Nakuru would like to know this. He would like the Minister to explain further so that he will be in a position to explain to his electors that we approved this amount of money and that when we approved that amount was used for this particular thing and the other one was used for that particular thing. We do not have any quarrel and this is important.

The Chairman (Dr. De Souza): I think you have made your point.

Mr. Munyi: Therefore, Mr. Chairman, I would like to—

The Chairman (Dr. De Souza): Sit down, Mr. Munyi.

Mr. Munyasia: On a point of order, Mr. Chairman, with due respect to my friend the hon. Kamwithi, are we made to accept what he says because it seems as if he is dwelling on his imagination which is irrelevant from the Bill? Mr. Chairman, can you rule that he stops forthwith so that we can get on with the business?

The Chairman (Dr. De Souza): I do rule that he stops. That is enough now, Mr. Munyi, I think you have made your point.

Mr. Munyi: I want to emphasize that—

The Chairman (Dr. De Souza): That is enough.

Mr. Omweri: Mr. Speaker, Sir, I know when we come to a money Bill it is a difficult topic, because Members try to cover up by wandering around. I would like to be very specific and ask questions on the first paragraph under this Vote 7, and the excess and the circumstances which arose.

It seems, Mr. Chairman, Sir, that there is quite a lot of confusion in the first paragraph, because, first of all, it refers to the original Estimate and then the Supplementary Estimate and then the Appropriation, and there is a big confusion. I do not know where this particular department was heading to, whether they actually had an officer-in-charge who knew what was going to happen, or whether they just had people sleeping who woke up the following morning to find themselves in the Ministry of Home Affairs with their books forgotten and so they did not know what to do. We would like the Minister to explain why this happened and why there was an oversight and there was this gross reduction of K£86,238 which showed that this should have been reduced when this department was transferred to Home Affairs. Later on they discovered that this was a gross reduction and therefore there was an excess of expenditure. In this case, we would like the Minister to explain why this happened; whether the

[Mr. Omweri]

officer was not following up his books properly. What new things happened when they moved? Did they move with the same files and the same personnel? Did they increase the number of people, or what happened? How is it that they discovered that they had reduced so much that there was now an over expenditure of Sh. 230,000? Mr. Chairman, this is a lot of money and we would like to know how this money was actually spent. We would not like to take it for granted that the mere fact that a department is transferred from one Ministry to another justifies an excess. We would like to know the reason why this actually happened and why it was not immediately corrected, so that when we vote, we know exactly for whom we are voting and we do not just throw money to careless officers who do not know how to account for the expenditure.

Mr. Chairman, in the second paragraph, I would also like the Minister to assure this House that the Treasury has confirmed that the position has improved. This is a definite recommendation from our hon. Standing Committee of the Public Accounts and we would not like just to leave it like that, because many things are usually left for granted by us without any action being taken. We would like to know from the Treasury what action has been taken to ensure that this sort of confusion does not arise again, or does not arise in other years, because we know there are a few years from which expenses are going to be brought into this House. We would like to know what definite confirmation the Treasury or the Ministry of Finance has got from these confused officers in the immigration section that there is not going to be an excess again.

Mr. Chairman, Sir, you know that under this Motion we have the Minister for Home Affairs coming again, and so we would also like to know whether it is the same officer doing the accounting or not, because if he is, he is dumb, useless.

Mr. Chairman, Sir, I want the explanation.

The Assistant Minister for Finance (Mr. Balala): Mr. Chairman, Sir, the factors which brought about this state of affairs and which are queried by the hon. Members are mainly two. One is the split in the Ministry: at that time in 1965, the Ministry used to be the Ministry of Internal Security and Defence and at that time the Department of Immigration was under the Ministry. Unfortunately, I must admit, during that time the Chief Accountant who was responsible for the Ministry was on leave and in his place was an expatriate accountant who was not very familiar with the procedure of our accounting.

Mr. Chairman, Sir, the state of affairs which is reflected in this is that the officers concerned were taken to task by the Public Accounts Committee and recommendations made by the Public Accounts Committee were seriously taken by the Treasury. I can assure the hon. Members that the recommendations that were made by the Public Accounts Committee have been implemented and we went even further to say to all Accounting Officers that in future if there is any excess of expenditure which is not authorized, they will be responsible for payment of such excesses.

I hope the hon. Members will be satisfied that we in the Treasury take a very, very exceptional view of such state of affairs and I can assure them that the position has very much improved and such things will never be repeated.

(Vote 7 agreed to)

VOTE 11—MINISTRY OF EDUCATION

Mr. Shikuku: Mr. Chairman, Sir, the Attorney-General is asking me why I am on my feet. Mr. Chairman, I am paid to talk and to scrutinize any expenditure and that is what I am here for.

The Attorney-General (Mr. C. Njonjo): On a point of order, Mr. Chairman, is it right for the hon. Member just to get publicity by saying that I am opposing him and to say that I opposed him because I did not say anything about the hon. Member? If he wants the Gallery to hear that he is being opposed, let him say so.

The Chairman (Dr. De Souza): I think you will accept the correction, Mr. Shikuku. The Attorney-General says that he did not make an interjection.

Mr. Shikuku: He denies, but I heard him, Sir, and I am not a liar.

The Chairman (Dr. De Souza): Let us forget it now.

Mr. Lubembe: On a point of order, Sir.

The Chairman (Dr. De Souza): Not just now as I am dealing with a point of order now. The point of order is that you are saying that the Attorney-General made an interjection but the Attorney-General says that he did not. I am not in a position, I am afraid, to decide this issue but, in any event, it is quite irrelevant.

Mr. Shikuku: Thank you. It is a question of—

Mr. Lubembe: On a point of order, Mr. Chairman, I am not trying either to say the hon. Member heard or did not hear, the truth is that by saying that the hon. Member wants to get publicity, wants the people in the Gallery to hear, is that not imputing bad motives on the hon. Member? By saying that he is doing that because he wants to get publicity, is the Attorney-General not imputing bad motives on the Member?

The Chairman (Dr. De Souza): Mr. Lubembe, in this particular case, if no interjection was made and if a reply in the terms made by Mr. Shikuku was made saying that So-and-so is saying: "Why am I on my feet as I am paid for it", that is reasonable grounds for somebody to be annoyed because, in fact, he is being accused of doing something he never did. I think you have both had a good innings on that and so we will not go on with it.

Mr. Shikuku: I do not need any publicity from the Attorney-General. Who is he anyway as far as the Butere people are concerned?

The Chairman (Dr. De Souza): All right.

Mr. Shikuku: Now, Sir, I am drawing your attention to page 4 where the explanation says: "An excess of K£52,027.2.9 cts." Below that you will read that the explanation goes on to say: "The Public Accounts Committee accepted the Accounting Officer's explanation that the excess . . ."—the one I mentioned of £52,027.2.9 cts.— ". . . was caused by miscalculation . . ."—the word, Mr. Chairman, is "miscalculation"—". . . of provisions within the Ministry but warned that the Accounting Officer should exercise greater care in the future."

Because of miscalculation £52,027.2.9 cts. was spent in excess. If you work out this figure you will find that we could have had *Harambee* secondary schools aided, we could have had a clinic, and I have been asking for a police station to be built in Kisa Location and this could have been built. However, because somebody miscalculated this money when we ask for anything they say, "There are no funds, there are no funds". However, they miscalculated to the tune of £52,000. This is something which we cannot accept, Mr. Chairman. The Minister for Finance is not responsible himself because he is a Member for Limuru and he is in charge of a Ministry, but somebody is paid to do a good job for the Minister but not to come here and look all miserable at bringing this terrible mistake here. I think the Minister should take it upon himself to sack this type of officer who lets him down so badly because we need this money in this country.

I would like to have an assurance from the Minister that this particular officer will be sacked because this £52,000 could have built a police station or a clinic or aided those poor children who do not have parents here so that they could have free education because somebody pays for them. This money, however, has gone into somebody's pocket and the only thing that is said is that the committee—and I see one of the Members of the committee here—says he should

exercise more care in future. That is all, the money is gone. *Maneno* exercise. How long are we going to tolerate it? We need every single cent in this country to help our country. I think the Minister will agree with me that this particular person and any officer who is careless and his carelessness costs some money, should not just be left. We should keep them from doing their jobs and kick them out. It is normal here when you ask for anything to be told that there are no funds and yet there is misuse like this.

The Minister for Finance (Mr. Gichuru): Mr. Chairman, the points that have just been raised by the hon. Member for Butere are correct in the sense that, particularly in the Ministry of Education when you have teachers coming in and going out, you are supposed to overlook some of these things. I would definitely tell him that this is not the kind of thing we tolerate in the Treasury. We have made our complaints a little stronger than the hon. Member, but I am glad that he has done this, because the Ministry itself will come to agree that what we say in the Treasury is the truth. We cannot hide a thing like this. Money has been spent and all we are trying to do is correct our books and inform the House that this money was spent although we did not know about it at that time, and now we know everything we are assured that it was well spent; it was not stolen. We, who are in the Treasury, ought to have been informed. We are only trying to correct these errors so that the Auditor-General does not say we just skipped these over-expenditures just like that.

Mr. Lubembe: Mr. Chairman, the Ministry of Finance is to be congratulated for having been very firm on this. This is witnessed by their bringing this to the House. What makes it worse is that it is stated here that this was over-expenditure on personal emoluments. This is very serious. It means that no matter whether this was stolen or not, my view is that when it involves personal expenditure it is very serious. I was listening one day, or reading about a case in court, where a State Counsel told the magistrate that people who do this are people who commit robbery without violence. When you have this kind of robbery it is not good just to keep quiet about it.

The other point which I would like to make, Mr. Chairman, and I will repeat this, is about appointing top accounting officers in a Ministry without checking how ably they will do the work, or without checking how helpful they will be to the nation is going to put us into a lot of difficulties. I feel this is only happening because of appointing the wrong people to be accounting officers. The Assistant Minister has admitted that

[Mr. Lubembe]

when an officer who was efficient was on leave an expatriate officer who did not know the work, was not properly conversant with the work, was appointed and who makes all the arrangements when one is on leave? It is the accounting officer who is a Permanent Secretary.

It is my submission, Sir, that there is a need now for His Excellency to scrutinize and find efficient Permanent Secretaries in the important Ministries. There are people who have stayed in these Ministries for a very long time and who know how to handle these things, but they were left out and these young boys were put in and now we are in a mess. To have this sort of thing being brought to the House, to the Press, to the public and so on is very wrong. I feel the Ministry of Finance must be congratulated, and we should convey to His Excellency that we feel proper appointments of better people, who can really take care of these kind of mistakes and see that they do not happen again, should be made.

With these few remarks, Mr. Chairman, I support the proposal.

Mr. Okelo-Odongo: Mr. Chairman, Sir, I think I should say something here being a member of the Public Accounts Committee, and I notice my hon. friend gave the impression that may be the Public Accounts Committee was not being very firm on this.

I would like to assure the House that the Public Accounts Committee really takes these accounting officers to task. As a matter of fact, we are much firmer than the Ministry of Finance. We deal very seriously with these accounting officers, and question them until they begin sweating and trembling some of them.

Mr. Chairman, Sir, we are very much against the excess accounts, because the accounting officers can always obtain extra money by informing the Ministry of Finance so that they can bring in a Supplementary Estimate. When they spend beyond the amount they are voted, it is a very serious affair and we have always been very firm on this. I think, however, my hon. friend from Butere is led by the following, and I quote—

“The Public Accounts Committee accepted the Accounting Officer’s explanation that the excess was caused by miscalculation of provision within the Ministry but warned that the Accounting Officer should exercise greater care in the future.”

This is only a summary and is not a verbatim report of the questions we put to the accounting officer, and if he had seen that he would have seen that the summary was justifiable.

The Chairman (Dr. De Souza): We are not really discussing the Public Accounts Committee. I gave you a chance to reply to what has been said.

Mr. Okelo-Odongo: Thank you, Mr. Chairman, Sir.

One thing I would like to say is that the Excess Vote we accept in this manner, and may be the accounting officer could not help this. Where it is spent on parties and so forth, we have always recommended that they should be surcharged themselves.

The Assistant Minister for Finance (Mr. Balala): Mr. Chairman, Sir, I would like to say that we very much appreciate the scrutinies by the Public Accounts Committee, but, at the same time, I wish to remove any doubt or confusion in the minds of the hon. Members, in case they have any impression that perhaps these excesses are misappropriation. I would like to make it clear that these are not misappropriations of accounts, but are merely expenditure on items which perhaps did not receive authority and this is why the Treasury is always quarrelling with the Ministries which usually spend without authority. This is why, Mr. Chairman, I would like to tell the hon. Members that the Financial Orders are being revised in order to establish stringent measures, even taking into account the recommendations of the Public Accounts Committee so that we do not have any repetition of such nature.

The Chairman (Dr. De Souza): Before we get to the next Vote I would like to remind hon. Members that we have only one day for three of these Motions, in other words the two Supplementary Estimates and this particular one on excess, the Statement of Excess. We have to put all these to the vote at six o’clock. If hon. Members do want to discuss a little more on the other Supplementary Estimates, then I suggest we move a little faster and this is what I have been trying to do. Please try and make the speeches shorter so that everybody can have the chance to speak.

Mr. arap Biy: On a point of order, Mr. Chairman, your guidance is needed here. Supposing we do not finish today will we not have another day?

The Chairman (Dr. De Souza): No. I am afraid at six o’clock we put all the rest to the vote. If we have not even come to the first Supplementary Estimate we still have to put them all to the vote. So it is in the interest of Members, if they do want to discuss other items, then they should make their speeches short and move a little faster.

(Vote 11 agreed to)

VOTE 18—THE VOICE OF KENYA

Mr. Mbogoh: Mr. Chairman, I note the Voice of Kenya has, as usual, spent in excess of over £16,000 and the explanation given below says and I quote:—

“The Public Accounts Committee has examined the circumstances leading to the excess expenditure and noted that lack of proper organization and control of finances contributed to the excess expenditure. The committee recommended that the excess be met subject to Treasury’s confirmation that the control has been improved. The Accounting Officer has given an assurance that no expenditure will in future be incurred without proper approval.”

What I would like to know here, Mr. Chairman, is whether the Treasury is now satisfied that proper control of accounts is being exercised, and also as they say it was on the Presidential Press Unit Subheads I would like this figure broken down in such a way that it does not hide the Presidential Press Unit only, because this only appears to be £4,946.11.85, but we would like to know what happened to the rest. If we are receiving inferior services from the Voice of Kenya, we would like to know how this is spent and how it happened that they spent so much money without using proper control.

I have noted, Mr. Chairman, that the other day there were prosecutions within the Ministry and I think some people were imprisoned because of claiming money which was not actually due to them. Can we be given an assurance that not everybody in that Ministry is receiving this free money by claiming that they are writing scripts for the Voice of Kenya while they are not doing anything?

Mr. Chairman, I would also like to know whether this misuse was also contributed to by the fact that there are some people who are given more chances to use the Voice of Kenya, including cameras, when somebody is just opening, let us say, a small dip somewhere in the North-Eastern Province, when they sent a whole team there to give them publicity while there are people who are opening big secondary schools to which 100,000 people have contributed money, yet they cannot be given publicity. Therefore, Mr. Chairman, I feel we should be given a proper explanation since everybody in this country, including the hon. Members and everybody else here, know

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

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

that nothing has been improved in the Voice of Kenya. They are continuing to misuse this money

and it is no wonder if during the coming year we are asked again to give our consent to excesses which might be three times as great because of this misconduct and misuse of public funds by people who are not caring simply because they want their own publicity.

We must also, Mr. Deputy Chairman, be assured here that this Voice of Kenya will truly be the voice of Kenya and not the voice of a few. It must not be the voice of just a few people going round and using all the tax-payers’ money without giving the people the quality of the news they want. We would like to be assured by the Minister for Finance that they have already controlled this and if they have then let him tell me why this sort of thing is happening everywhere in the country where you see schoolgirls playing netball but when a Member of Parliament opens a big school there is no mention of this anywhere on the Voice of Kenya.

The Minister for Finance (Mr. Gichuru): Mr. Deputy Chairman, Sir, I would like to reply to just a few of these points.

First of all, I would like to say that the Voice of Kenya is truly the voice of Kenya. If it is misused, then it is up to this House to make complaints. Unfortunately, at the moment, the Minister for Information and Broadcasting has bronchitis, I think it is, and he cannot speak. I hope the next time he will be able to elaborate much more on this. From what I listen to on the Voice of Kenya and I also watch television, I am impressed that the Voice of Kenya is truly the Voice of Kenya.

I think you will find that one of the reasons why we have this over-expenditure is that when the expatriates—and we have always pushed the Ministries to Africanize—when the expatriates left and Africans took over, we did not have houses for them. We had to try and rent flats as near to Broadcasting House as possible. With the result, that these were very expensive and as these people did not have either cars or houses so we had to get housing for them as near as possible to Broadcasting House. That accounts for some of the excess expenditure.

Before last year, we did not have a Presidential Unit which does a lot of good. It shows the President moving around in the countryside, and it does help to publicize the Government in the country and we feel it is fitting that this money should have been spent. Unfortunately, it did not come about in the usual way. The thought of adding more cameras and so on came much later and we had no provision for it in our Estimates. This is why we, in the Treasury, have felt sympathetic to these two main items and we felt we

[The Minister for Finance]

should ask the House to accept them and give them the legal status which they deserve.

I would like to give assurance that this has been gone into very much and we have no complaint. If there were any misappropriation of funds, we would have said so. The committee which goes into these matters would also have mentioned this and commented on them. It is unfortunate that we had these allowances to pay. We had to buy parts of the Presidential Unit which we so much like and which is giving a lot of publicity to whatever the President is doing today. To argue that perhaps when every Tom, Dick or Harry goes to make a speech then the cameras should come round, I think this is taking things too far. I think if one had any specific occasion on which one had asked to be covered, like opening a school or doing something else which was really of national importance, and if the Voice of Kenya refused to do this then there would be a case for complaint. The Members will agree with me that we cannot have a camera in every street in the country of Kenya. They are very expensive items and unfortunately at the moment we can only afford to pay for a camera for the President alone.

Mr. Kago: Mr. Deputy Chairman, Sir, I do not intend to be long on this but would just like to ask the Minister for Finance to tell this House why this sum was not included in the Budget Estimates which followed this Financial Year, say 1966/1967, or 1967/68 or, for that matter, 1968/1969, which we have already gone into?

Further, Mr. Deputy Chairman, I would like the Minister to tell this House, even though he says the money will come from the Consolidated Fund, where in actual fact is this money going to come from? I can remember that all the money which has been, so to speak, put in the Consolidated Fund has been shown where it is going to come from and for what specific projects it is intended to use it for. Now that more money is going to be needed from the Fund then I think we would like to know from where this money is going to come so that it is put in the Consolidated Fund from which we can then withdraw?

The Minister for Finance (Mr. Gichuru): Mr. Deputy Chairman, Sir, I have been repeating myself so often. This money has already been spent. If you read in the book you have, you will notice that it is expenditure in excess of what was allowed. All we are trying to do now is to legalize the position. The money was spent; it was necessarily spent and all we want is the approval so that I can put my books right and say the excesses have been covered.

The Deputy Chairman (Mr. Slade): Perhaps I can help further by an explanation of one point the hon. Member raised. When you get Excess Expenditure in any year, that is unauthorized Expenditure; and if you do not cover it by a Supplementary Estimate in that year, then it is not proper to cover it by a Supplementary Estimate or any other Estimate in the next year. It has to be faced openly as an excess and authorized in that way.

Mr. Mate: Mr. Deputy Chairman, Sir, I did not intend to speak on this kind of thing which is very clear. I was surprised when the Minister of Finance inclined to reduce this kind of expenditure by trying to imply that there are some very important jobs that have been done with this money like buying cameras and other things, like paying for houses in Nairobi when for example a district like Meru has had no Information Officer all these years. This money was spent in 1965 and I have been asking question for example, to have an Information Officer. Now the Minister was trying to make right, this kind of expenditure and I would like to ask him to tell his friend, the Minister for Information and Broadcasting, that when they come to do this kind of thing again, misusing money for the wrong purposes and at the wrong time, they should remember that if they had proper control, areas like Meru, maybe Kericho, maybe Turkana and other places would have Information Officers. We are sorry to have to be faced with these miscalculations, but we do think that people in Nairobi should tailor their suits according to the needs of the land and remember the outlying districts, and if the Minister would please, when he goes to advise them, remind them of that. Thank you, Mr. Chairman.

The Deputy Chairman (Mr. Slade): Hon. Members, I remind you that when we are dealing with Excess Expenditure of one or two particular items, we cannot go into all the shortcomings of the Ministry concerned in other directions.

Mr. Lubembe: I have only two questions Mr. Deputy Chairman. One in the last paragraph, it says that the Accounting Officers have given an assurance that no expenditure will be in future incurred without proper approval. The Minister has said that he agrees that there was a need for this particular Ministry to spend the money. Why was it necessary again to ask for an assurance from the Accounting Officer? This is one question. The second question is that the Minister said that the question of housing was necessary after the expatriates had left. Now, what happened to the houses where these expatriates used to stay? Did they go with those houses or did they remain here? If they remained why were the Africans

[Mr. Lubembe]

who took over not given the opportunity to use these houses? Another question is that of proper organization. I see, talking about assurance, I thought that the only assurance the Accounting Officer could have given is that there will be proper organization in the Ministry other than the question of money being counted. These three questions made my problem, Mr. Chairman.

The Minister for Finance (Mr. Gichuru): I think, Sir, I have answered quite a number of the questions that my friend, the hon. Lubembe is asking. I would like to state that quite a number of these people who left Broadcasting House, used to live in their own houses. I am told by the Minister who I am afraid, cannot speak himself today, is that these people are still here, they still live in Parklands—live in their own houses and therefore the Ministry was faced with the problem of one, Africanizing and two, housing. This is why these Africans were put into the Delamere Flats. I think I have already answered the other questions, Sir.

Mr. Mwithaga: Mr. Chairman, Sir, I think the Minister in fact does not seem to be having a real defence because, despite the excuse he is trying to air in this House, he knows pretty well what has caused the actual excess is lack of control. Mr. Chairman, Sir, his Treasury was adamant on the method employed during the period 1966 when this money was over-spent or when the excess was incurred, so, obviously, he should not have to be questioned here in this House, and therefore, if he is defending the issues that are already known, to have been official is not a point. What he should be doing now is to ask the House to forgive him, forgive the Treasury, forgive the Government and treat it as a foregone conclusion and do away with this Motion. This is what I thought he should be appealing for, because even if he cried very much here, this money will not be recovered in any way whatsoever. It is now three years, since this money was spent illegally because there was no authorization by the House. Therefore, there is no point in the Minister now trying to defend this issue; the only thing is that he admits that this was a mistake and promises the House there will be corrections and therefore hope that there will be no repetition. That is all, Mr. Chairman.

The Deputy Chairman (Mr. Slade): I think that is what the Minister has been trying to do. He has been offering some excuse but not to the extent of deporting officers. We can go on with the next Vote.

(Vote 18 agreed to)

VOTE 21—MINISTRY OF HOME AFFAIRS

Mr. Lubembe: Mr. Chairman, Sir, I do not have really much to say on this. I have very few things to explain. It appears that most of this money was spent on prisons and food and some other things. Can the Minister tell us whether the reason was that many people were sent to prison and this is why there was the need to spend more money to get food for these people? If so, what was the cause? That is all I want to ask.

The Minister for Finance (Mr. Gichuru): Mr. Chairman, Sir, I have been informed, because I was worried too, and I have to try and dig into some of these things. In the prisons, it has now become a habit that the prisoners must have meat three times a day.

An hon. Member: Three time a week.

The Minister for Finance (Mr. Gichuru):—Oh, yes, three times a week. They also get a few other things and I am worried that if we make the prisons extremely comfortable, there are people who would prefer to live there than get out. I can assure the House that we are going into this and we are still discussing it, but because the year is coming to an end—the Financial Year—that is why we have to bring these things in so as to close our books at the end of this month. The whole question of rations and so on is being gone into.

Mr. Mbogoh: Mr. Deputy Chairman, I thank the Minister for his explanation but according to the note of explanation its says:—

“The Public Accounts Committee noted that the Ministry foresaw that there would be excess expenditure and submitted a report to the Treasury in June 1966”.

Sir, my question there is, if they saw there would be an excess of expenditure, why did they not even ask for this during the last financial year, 1967, if they knew that this would be there?

The second point, Mr. Chairman, the last time when we had the Report of the Public Accounts Committee here it was stated that it was in this department, the Prisons Department, where some cattle were taken away by an officer who was surcharged by the auditors. Is the Minister not now prepared to tell us whether these cattle were kept for milk and meat for the prisoners, and whether this is the reason why they had to use more money, because their *ngombes* had been taken away by one of the officers who took them away to his house?

The Minister for Finance (Mr. Gichuru): Mr. Deputy Chairman, Sir, that particular officer that the hon. Member is referring to was dealt with accordingly to law. I do not house these people. I am afraid, Mr. Deputy Chairman, I cannot discuss this particular gentleman.

The Deputy Chairman (Mr. Slade): I do not think this has anything to do with this matter, because those were cattle from the farm and not cattle connected with meat rations for the prisoners.

Mr. Mbogoh: Mr. Deputy Chairman, Sir, my reason for asking that is because the prisons have farms and on these farms they have, they grow everything. Therefore, they get very little food from outside. So, I was trying to put these cattle into those farms thinking that they would be good for *chakula* and also good for milk.

The Deputy Chairman (Mr. Slade): I think that is a bit, too farfetched to make any connexion.

Mr. Shikuku: Mr. Deputy Chairman, I do not have much to say on this but when the Minister talks in terms of meat three times a week for the prisoners; in other words, Sir, they only eat vegetables twice a week, would he not take it upon himself— Mr. Deputy Chairman, I eat vegetables throughout. I am the healthiest Member of this House. So why should not the prisoners only eat vegetables three times a week? Mr. Deputy Chairman, Sir, I am sure you will agree with me that I have never fallen ill since I came to this Parliament. The last time I was ill was during 1953. That shows I am very healthy.

Now, Sir, would the Minister assure us that we are going to cut down this expenditure, and that he will take it upon himself to see to it that this luxurious or unnecessary expenditure is cut down and the prisoners given a lot of vegetables because that is good for them? As a matter of fact, Sir, the people who have lived longer in this world are those who eat vegetables. I refer to the Russian great men and many other people who eat vegetables and not meat. So let the prisoners eat more vegetables and not meat so that they can use less of our money.

The Minister for Finance (Mr. Gichuru): Sir, what the hon. Member for Butere has just said is really a reproduction of what I have said before. I do not think I have any other answer to it.

The Deputy Chairman (Mr. Slade): Hon. Members, we must go on. We have quite a lot of ground to cover in a short time this afternoon.

(Vote 21 agreed to)

VOTE 28—MINISTRY OF HOUSING AND SOCIAL SERVICES

(Vote 28 agreed to)

Head D19—Approved Schools and Remand Homes

(Head D19 agreed to)

Head D21—Prisons

(Head D21 agreed to)

(Question put and agreed to)

MOTION

SUPPLEMENTARY ESTIMATE NO. 2 OF 1968/69—RECURRENT

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

THAT, a sum not exceeding K£638,394 be issued from the Consolidated Fund to meet expenditure during the year ending 30th June 1969, in respect of Supplementary Estimate No. 2 of 1968/69 (Recurrent Expenditure).

VOTE 1—OFFICE OF THE PRESIDENT

Personal Emoluments

Subhead A2—Provincial Administration

Mr. Shikuku: Mr. Deputy Chairman, I see there is a definite additional sum of K£210,000 for provincial administration and so forth. Now, under the Explanatory Note, which I do not quite agree with, I want the Minister to tell me how he arrives at this sum. I see there are such things "as payment in arrears of revision of salaries which were not paid in 1967/68" and "adjustment of salaries arising from the segmentation of the scale applicable to district officers", and so forth. The Minister should explain to us in detail how this is arrived at. The explanation given here is more or less in a nutshell. Could he give us a detailed explanation, of how we increased this to the sum of K£210,000? When we ask for a district office headquarters in our areas, we are told there are no funds. Where did this money go to and who are these people who consumed this money?

The Assistant Minister for Finance (Mr. Balala): Mr. Deputy Chairman, Sir, this sum of money involves vacancies for about 49 administrative officers throughout the country. All these posts are filled— Out of the 49, there are 15 remaining; ten are already committed and about five are still vacant.

Sir, the payment of salaries arrears relating to the financial year 1967/68, during the current financial year, arises from inevitable difficulties

[The Assistant Minister for Finance]

in the preparation and transmission of documents from provincial personnel branches to the Ministry headquarters. This was due to the amount of work involved in the implementation of the recommendations of the Salaries Review Commission.

Again, Sir, the adjustment of salaries in respect of administrative officers involved complicated exercises and, as a result, it was not finalized until a few months before the commencement of the financial year 1968/69, and thus was too late for any change to be made in the provision already made for these salaries in the Annual Estimates. The provision required covers, not only the increased salary payable for the current financial year, but also same arrears due to officers for periods prior to 1st July 1968.

Mr. Okelo-Odongo: Mr. Deputy Chairman, Sir, I only want to get answers to two questions. One, when were these vacant posts discovered, and since there was no money, why were they not left vacant until the money was voted for the following year?

The next one, this extra expenditure arising out of the segmentation of the scale applicable to district officers. What kind of segmentation is this because they are only district officers? I do not know what other people are there, district assistants, and so on. If there was no money for that, why did they not wait before they segmented so much?

The Assistant Minister for Finance (Mr. Balala): Mr. Deputy Chairman, Sir, it was very essential to have these posts filled because if these posts were not filled, then the provincial administrative branches in the country would have been understaffed and, therefore, there was a fear of collapse in the work in the provincial administration at district level.

Mr. Okelo-Odongo: Sir, would the Assistant Minister tell the House why so many of these officers, if there is so much work for them to do, spend most of their time walking in the countryside with Ministers? Even the provincial commissioner spends most of his time accompanying the Ministers to various places. Why can they not cut down on this, what appears to be useless work, just roaming around in the reserves, not having anything specific to do and instead of doing their work in the office?

The Assistant Minister for Finance (Mr. Balala): Mr. Deputy Chairman, Sir, I wish to make it clear that work done by the administrative officers, whether provincial commissioners, district commissioners or district officers, when accompanying Ministers who are visiting different parts

of the country, is a national duty which is essential for such administrative officers to do. These officers are not at this time roaming about in the countryside for nothing; they are accompanying Ministers to see the development throughout the country so as to encourage people to develop their areas.

Mr. Odinga: Mr. Deputy Chairman, Sir, the Assistant Minister has raised a very important question, because when he comes here to demand that we should vote extra money for a particular Ministry, as this one, he cannot leave us by saying that there were services to be done. There should have been a breakdown in the services. He cannot make a generalization, he must be specific and show cause, and also convince us there was really a danger that the administration might have broken down and that is why this extra expenditure was really needed. We cannot be convinced by mere generalization.

The Assistant Minister for Finance (Mr. Balala): Mr. Deputy Chairman, Sir, this House will recall that Members of Parliament have always been pressing the Government to see that there is efficient machinery to run the Government at all levels. So we cannot have efficient Government machinery at administrative levels if we are to leave posts vacant, without filling them, to see that the officers concerned do their work and to see that efficiency is achieved.

Mr. arap Biy: Mr. Deputy Chairman, Sir I am only giving the Minister a warning again that he should advise, especially the Office of the President, not to divide some districts when the people in that given district are not willing to have the district divided into two. For example, the former Central Nyanza, this was done without the consent and the wish of the people of the given district. This is the cause of these excess. Now there are two district commissioners instead of one; more staff are being employed for the two areas which, really, should have been left as they were.

This is a development of the KPU areas and this is what we do not want.

Mr. Odinga: Mr. Deputy Chairman, Sir, I have not been convinced that we should vote this money and unless the Minister, or Assistant Minister, can consider giving me a proper answer, I do think we are going to take very serious action on this.

Sir, we want to have specific information and if he cannot give us specific information, the particular reason which necessitated that this money should be voted as a Supplementary Estimate, then he must get us another person who will convince us, who will give us the details.

[The Minister for Co-operatives and Social Services]

was then talking to another hon. Member. The first reason is that there was the payment of arrears caused by revision of salaries, which were not paid in 1967/68 and the adjustment of salaries arising from the segmentation, that is, the scale point applicable to district officers—the district officers within the administration. This is one reason I am explaining this to the Leader of the Opposition because I think it is important that he should understand this point, and also follow the reasons for these over-expenditures, particularly because he is the Chairman of the Public Accounts Committee. Now, this is one reason.

The second reason, Mr. Chairman, Sir, also explains that there was an under-estimation arising from filling the vacant posts of which no part or provision was made in the original printed estimate within the provincial administration. Therefore, it is this under-estimation that was being covered by the further expenditure, and also the correction within the segment of salaries of district officers. These two reasons have made the emoluments swell and the provision for the swell was not provided for originally, and hence the Supplementary Estimates. If the Leader of the Opposition will bear with the Government, he will see very clearly that the two reasons, for this expenditure, are valid and legitimate, and this is what we are trying to explain throughout, and is what the Assistant Minister has been explaining under A.2—Provincial Administration.

Mr. Lubembe: Mr. Chairman, Sir, I do not have any question here since the Minister has explained everything, but I hope that the Leader of the Opposition is not going back to his usual talk that he sympathizes with the people who need to be helped. These district officers need money, because they have done some services to the Government and their salaries were under-estimated.

Mr. Okelo-Odongo: On a point of order, Mr. Chairman, Sir, is the hon. Member in order to be discussing this now?

The Chairman (Dr. De Souza): Although I, myself, am very strict about being relevant, I do not think I should stress it too hard. But we should be careful, and this being a fairly political House, we can use argument to show our particular point of view. In fact, he is in order.

Mr. Lubembe: Thank you, Mr. Chairman, Sir. I wish that question came from somebody who has never been in the Ministry of Finance. The hon. Member was there and was defeated and ran away.

I will say, Mr. Chairman, that in view of the fact that so many points have been explained, I do not want to go any further.

Mr. Okelo-Odongo: Mr. Chairman, Sir, the question was that if there were these vacant posts, why, if there was no money, did they have to be filled, especially when the provincial commissioners, the district commissioners and the district officers found it necessary to roam around in the country for such a thing like a Kanu candidate selection meeting? Now, if there is time for the provincial commissioner or the district commissioner to attend such a meeting, merely to elect a Kanu candidate, is it not conceivable that there is not enough work in the office and that some of these vacancies could have been left out until work was found for these people which they could do in their offices.

The Minister for Co-operatives and Social Services (Mr. Ngala): Mr. Chairman, Sir, I think the hon. Member probably misunderstood the whole intention. The posts, Mr. Chairman, Sir, were filled, and therefore there was work from the word "Go". However, it was very clear that the Supplementary Estimates had got to be revised to pay for the service of the officers who had been in the establishment.

Secondly, it was then later on discovered that it was necessary to adjust the salary scale for the arrears to make up the proper salary over the period which had to be paid. To allege that there was no work and that the posts were not originally filled is not true. If the posts were not originally filled, of course, the hon. Member is a financier himself and he would understand that the Government would not be so stupid as to pay for the work which has not been done. I am making the point that the work was done and the posts were filled from the word "Go". If the work had not been done, we are not as dull as the hon. Member thinks. We would not have paid for work which had not been done.

(Subhead A2 agreed to)

HEADQUARTERS—OTHER CHARGES

Subhead B6—Miscellaneous Other Charges

Mr. Mbogoh: Mr. Speaker, Sir, this is quite an interesting one—Miscellaneous Other Charges. When I look at the explanation, I find that it is on the caretaking of the *Harambee* House from the Ministry of Works which has moved to new offices. I think we all agreed that this was quite necessary, but then there is an additional provisional required to cover the cost of telephone rentals, and that is what I am concerned with. Mr. Chairman, that building should be without any

[Mr. Odinga]

He has not actually given us any details and he is trying to argue on general questions. Yet, all the time, he is requesting us to approve a particular expenditure.

The Assistant Minister for Finance (Mr. Balala): Mr. Deputy Chairman, Sir, it is not for me to say whether the Leader of the Opposition is convinced or not because, as usual, he is never convinced and he will never be convinced if he does not want to be convinced.

Mr. Odinga: On a point order, Sir, is this a proper allegation for the Assistant Minister to say that I have never been convinced on any question, when it is reasonable, in this House?

The Deputy Chairman (Mr. Slade): Mr. Odinga, you must not get excited over that. That is the sort of thing that is said in Parliament many a time. It is not taken seriously. It is not out of order.

Mr. Odinga: On a point of order, Mr. Deputy Chairman, I still want the Member to substantiate. This is serious. We are dealing with finance, which is something which is rather important and—

The Deputy Chairman (Mr. Slade): You are quite in order, Mr. Odinga, with what you raise, but the Assistant Minister is also in order in his parliamentary exaggeration.

Have you finished what you were saying, Mr. Balala?

The Assistant Minister for Finance (Mr. Balala): Mr. Deputy Chairman, Sir, I have stated very clearly the number of vacancies that were filled. I have given him figures, and if the hon. Mr. Odinga cannot be convinced with facts and figures that I have submitted to him, then I do not know how I can convince him.

I have stated very clearly that the number of posts involved are 49 throughout the country. If this number of 49 cannot convince the hon. Leader of the Opposition, as to be an appropriate number to have efficient machinery in the Government, then it is not for me to say whether Mr. Odinga is convinced or not. I have given convincing evidence and also figures. This is all I can say.

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

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

Mr. Odinga: Mr. Chairman, Sir, the Assistant Minister, who has never actually tasted any election at all, he talks of these things—

The Assistant Minister for Co-operatives and Social Services (Mr. Maisori-Itumbo): On a point of order, Mr. Chairman, I would like to ask you whether the question of tasting election does arise in this debate on the Supplementary Estimate?

The Chairman (Dr. De Souza): That is not a point of order, I am afraid. As Mr. Speaker said, in Parliament, when one speaks, one is allowed to use whatever arguments one wants so long as they are not abusive or anything of that sort. I do not think we ought to take this too seriously.

Mr. Lubembe: On a point of order, Mr. Chairman, Sir, is the hon. Leader of the Opposition in order to allege that the hon. Assistant Minister has never tasted elections when, in fact, the hon. Assistant Minister was elected by the Members of this Parliament before we changed the Constitution?

The Chairman (Dr. De Souza): I am sure he will stand corrected on that point of view, I am sure.

Mr. Odinga: Mr. Chairman, I will go on to develop my point of view. To say that the vacancies were 49, this alone is not enough reason for us to vote a Supplementary Estimate. We wanted to know the urgency and the reason which actually necessitated that this amount of money should be voted as a Supplementary Estimate. Why did we not wait for the normal time of Estimates? We want to know this and if the Assistant Minister is incapable of answering, then he should have brought the proper man here, the man who would be able to convince us. This is a very clear thing we have before us.

Secondly, Sir, he has never been to the country and actually faced a constituency—and constituents—and that is why he was playing with the Minister for Social Services, whose performance in the country is well known.

The Minister for Co-operatives and Social Services (Mr. Ngala): Mr. Chairman, Sir, I think the Leader of the Opposition should be patient and perhaps read page 2 of the same Supplementary Estimates. When he has read that part I will then point out two points which might convince him. In that section, Mr. Chairman, Sir, if the Leader of the Opposition sees the causes, or looks at the causes of these extra expenditures, he will see that they are only two. First, there was some revision of salaries and some adjustment of salaries arising from the segmentation of the scale applicable to district officers. Now, this is one cause for the extra expenditure which was imperative. I have read the whole thing and I think, Mr. Chairman, Sir, it was not clear to the Leader of the Opposition because he

[Mr. Mbogoh]

telephone at all, that *Harambee* House. This is because it has the most inefficient systems of telephones that we have anywhere in Kenya. The most inefficient system that there is in Kenya is in *Harambee* House. This should not be paid for by the people of this country because fellows there keep on talking to their friends, and when you ring there you cannot get an answer. When you ring from Parliament Buildings, you hold on for five minutes or ten minutes, the telephone ringing there all the time, and I do not think that £7,000 was worth the cost it was paid for. Mr. Chairman, Sir, I feel that unless the telephone system is improved there, then we are wasting our money and we are not doing the service we are expected to do. That building, Mr. Chairman, Sir, is a very important building and it houses nearly every important department in this country, but it is the most inefficient building in telephone operations. Secondly, telephone operators there are very rude and when you try to speak to somebody, you are told to hang on and you may hang on for the rest of your life. So, Mr. Chairman, Sir, except that this is only one small part in the whole Vote, I would have refused to pass this Vote. But this is only one, which I think can be improved, and I would like the so-called Minister concerned with this money, instead of wasting money paying those telephone operators, to take them immediately to training and teach them how to answer the telephone calls, to say "Good Morning" to a gentleman when he rings from a certain building, and not when I ring just say, "*Harambee* House" and then stop, as if I am speaking to a grave. So, Mr. Chairman, I feel that those ghosts who live in *Harambee* House should be taught, and there should be no money voted to them in order to teach them how to operate telephones and how to receive telephone calls. Therefore, I think that point is very important indeed.

Mr. Okelo-Odongo: Mr. Chairman, Sir, the Government has overspent and is requesting this House to approve an expenditure of Sh. 140,000 for the Ministry of Works. One would like to know who is there now, since the Ministry of Works has vacated it—and what does caretaking imply?

Mr. Chairman, Sir, the Members of this House have no offices. I should say that *Harambee* House should provide offices for the hon. Members so that we can write to our constituents and receive letters from our constituents, and so forth. This is provided in other countries. Here is a case where the Government is spending extra money on a building which has been vacated, just for paying people engaged in sweeping the floor

every day, I suppose, and things like that. Can the Minister explain what is going on in *Harambee* House since it was vacated, and whether provision should not be made within this building for Members of Parliament to have offices where they can interview their constituents and other people? We need offices so that we do not keep on roaming about in Nairobi like ghosts.

The Assistant Minister for Finance (Mr. Balala): Well, Mr. Chairman, Sir, maybe the hon. Member who criticized *Harambee* House was not happy about it because, perhaps, one day he might have rung and he had to wait for some time before being replied; but we should, at the same time, take into consideration that *Harambee* House is accommodating several Ministries, including the Ministry of Foreign Affairs, Power and Communications, Administration, and the President's Offices and Defence, and as such, *Harambee* House is undoubtedly under pressure of work. So are the telephone operators.

The offices that were vacated by the Ministry of Works are now occupied by the different Ministries in *Harambee* House which had their offices and responsibilities expanded, and that is why those offices were taken over by other Ministries which used to be in *Harambee* House.

(Subhead B6 agreed to)

Subhead B11—Honours and Awards

Mr. Mwithaga: Mr. Chairman, Sir, this is where this House will need the Minister for Finance to come and explain fully why, despite the indication on page 2 that this is a mere decision to be carried out by revising the design of all honours and awards and that the cost is estimated, and convince this House that it is absolutely necessary, at this stage when the country so much needs money for many other services, that money can be spent on honours and awards. Now, Mr. Chairman, Sir, in the original estimates we see there was only £1 that was provided for; in the revised estimates we have £61,000, and the explanation given, in two lines, shows that there is much to be admired in the whole affair. I, personally, feel that this is absolutely unnecessary at this stage because there are other services which Kenya needs, and, in fact, Mr. Chairman, £61,000—I repeat, £61,000—is provided to create prestige, decorations for some individuals! Mr. Chairman, I feel it, and I am sure even the Ministers who wear some of those things feel it, and it is no use trying to vote this £61,000.

Mr. Chairman, the hon. Maisori says that I am not included. Honestly, Mr. Chairman, Sir, I have no interest to declare; I have never wanted to be decorated in this country, and I do not wish to be decorated.

An hon. Member: He is decorated by his beard.

Mr. Mwithaga: My beard does its bit, Mr. Chairman, you agree.

Therefore, all I am trying to say is that there must be an expounding of the whole involvement so that the House is actually convinced that there is absolute need, at this stage, to vote for this money. If the change, the revision of this design, will mean importing the medals and other decorations from overseas, it should be stopped forthwith, and we should suspend the whole expenditure and transfer it to the teachers who are now going on strike and want more money and other things. Mr. Chairman, Sir, that is an essential service. Instead of decorating 24 men in this land, we shall be able to provide this money for the teachers' salaries—41,000 teachers in the whole Republic—and this is very vital. Therefore, Mr. Chairman, I hope the Members will join hands with me to oppose that particular item and do away with it.

An hon. Member: We can continue using the honours which are there now.

Mr. Wariithi: Mr. Chairman, Sir, while we are on this question of honours and awards, it is quite true that the amount required is very substantial, and I will join my colleague, the hon. Member who has spoken, to express my concern.

Mr. Chairman, however, my major concern is that these honours and awards which our Republic gives to our distinguished people who do certain things, must have a proper place in this country. I doubt the reasonableness or rightness of continuing to recognize honours awarded by foreign powers. We do still have, in this country, people who are honoured M.B.E.s., and O.B.E.'s., and when you see them in meetings or in offices you find these labels written after their names. Now, does that not indicate, Mr. Chairman, that they still have honour or loyalty to whoever gave them these awards? What I am saying, in short, is this: we would like our Government to assure us that those honours which were awarded by foreign powers, colonialists who were here, will not be recognized any further because if they are, the honours which we award as Sovereign State will have no place in certain respects. Take, for example, my own profession, the legal profession, you have Q.C.'s.—who are supposed to be Queen's Counsel; in other words, they are not even the President's Counsel—they are Counsel of the Queen of England.

So, I will say here very strongly that the Government must have a definite policy. I know one gentleman who is an O.B.E. You go to a meeting of the board of directors and you will find his

name is written first because he is an O.B.E. That gentleman, I do not want to say who he is, but you do not expect him to have the same loyalty to Kenya as he has for the King or Queen, or whoever gave him the award. So, what I am asking the Minister, Mr. Chairman, is that while we are going to spend all this money, we should be assured that only the awards given by our Head of State, by the Kenya Government, by the Republic, are going to be recognized and given a position, and others should be ignored and should not even be referred to. We have still some Sirs, and So-and-so, and when you call him "Sir", he feels different and, strangely enough, some of them are citizens of this country and still have this title. You wonder how this agrees with our Sovereign State, giving someone a citizenship and continuing to recognize the former title. So, Mr. Chairman, I see the Minister listening very attentively. Maybe he himself will respond to this.

The Minister for Finance (Mr. Gichuru): Mr. Chairman, I entirely agree with the hon. Member, and the Government is determined not to recognize foreign decorations, and this has been said very clearly before, otherwise our own decorations will not have much meaning.

I would like to take the opportunity of saying that a Kenya citizen who has foreign decorations can keep them in his box as we are not interested in seeing them.

An hon. Member: Throw them in the sea.

The Minister for Finance (Mr. Gichuru): Let them put them somewhere where we cannot see them. I think this is the point; whether it is the sea, a box or the *choo*—I have no preference.

I would like to emphasize that the Government recognizes only our local decorations.

The Chairman (Dr. De Souza): Order! I think we are going a little bit further than we should on this. The question of honours and awards is not at issue because, in fact, the principle has been passed; all we are discussing here are two things. The first is the cost of revision, the additional cost, namely £61,000, and secondly the amount itself to which only £1 was allotted. The principle of honours is accepted and was, in fact, passed in the Budget.

Mr. Okelo-Odongo: Mr. Chairman, Sir, I beg to move a reduction of £1 on this particular item because I think that it is most unnecessary to have so much money spent on these honours. Sh. 1 million is not a small amount of money. I do not know what kind of metal the Government intends to buy for these honours. Whether

[Mr. Okelo-Odongo]

it is gold or something else, evidently it is very expensive. If it has to be so expensive, and the Government wishes to give so many honours to people in this country, then I think they should use a cheaper material which is not so expensive as to cost us Sh. 1 million.

In any case, Mr. Chairman, Sir, I do not see how you can foresee to how many people you are going to give honours. I would have thought that when you give honours you only give honours to people who have done really something and have distinguished themselves on something specific which is a service to the country and to the nation.

An hon. Member: Kanu chairmen.

Mr. Okelo-Odongo: This whole business of Kanu chairmen getting something and then all Ministers getting something is not good; they might just as well all be given dresses. If they want the Ministers to have something, they should buy them some kind of beads from the stores here so that they wear them and then we will know that they are Kenya Ministers. The same thing goes for the Kanu chairmen; they should be provided with some kind of necklace, or whatever it is, so that we know that these are Kanu chairmen.

I think that honours and awards should be only for those people who have distinguished themselves in some specific service to the country, either in the military service, or they have been freedom fighters in the past, or a leader of opposition who has done something—like he has done—or a runner, for instance, who has done wonders in Olympic Games, or something like that. I think that this whole system of deciding that all Ministers have to get this and all So-and-so have to get this is completely missing the point. These honours should only be for those people who have distinguished themselves by specific action or specific excellence.

Mr. Chairman, I do not think we can estimate a specific amount for it. We should only work on a few gold medals, because I do not think many of us will be really available if they are really worth what they are; not many of us will be acceptable for this because some of them you have to get when you are dead, like the Victoria Cross of the United Kingdom.

Mr. Chairman, I was moving the reduction of £1 mainly because I think we should not have so much money spent on it, because only a few people need to be honoured and not all.

(Question of the reduction proposed)

Mr. Odinga: Mr. Chairman, I think that this is quite reasonable because I think the Government has devalued what was meant to be an honour. When I found that it can only be used to campaign and register support from the Kanu chairmen, then I thought that this is becoming meaningless and useless. Should we actually spend public money in canvassing support from the Kanu chairmen? I think that this should be considered very seriously in this House.

Furthermore, for a Minister to receive an honour is wrong because as a Minister he has got his salary and he is well paid for the work that he does as a Minister. He is well paid. But if he has actually distinguished himself in another duty somewhere, which is recognized nationally, then he should be given that recognition by that honour. However, to go and spend our money like this is wrong. If somebody wakes up and he thinks that he should go and please So-and-so, and spends public money in that manner, then I feel this is wrong. I think that this is unfair and, therefore, I can never agree that this is the best way of spending our money.

Certainly, at the very beginning, I was one of those people who sponsored this system of honours, but I did not have in mind that it would be used in the manner that it is now being used. If this is the manner in which it is going to be used, then it is worthless and, therefore, we should not spend any public money on it and should leave it alone.

Therefore, I support the Motion moved.

The Assistant Minister for Finance (Mr. Balala): Mr. Chairman, Sir, when the Mover moved a reduction of £1, I first thought that perhaps he had a very genuine case for moving the reduction, but from the comments of the Mover and the Seconder it looks as if the question of Kanu chairmen has been a repeatedly made. This is why I am now satisfied and convinced that it is only because chairmen of Kanu were awarded honours that the Members of the Opposition moved this reduction of £1 in the Vote.

It must be understood that the aim of having honours and awards is to give them to people who deserve such honours and awards. Such honours and awards are given to Heads of State, to military men, Ministers who have done a lot for this country, and even to chairmen of Kanu who have contributed to nation building, and also because they made it possible for a Kanu Government to be formed and will do so during the next General Election.

Mr. Mbogoh: Mr. Chairman, I very much understand the mentality of the Mover and the Seconder of this Motion for this reduction, but

[Mr. Mbogoh]

I feel that this pound which they say they reduce is a bit difficult because this money has already been spent. Although we understand that, I think the Assistant Minister has said that this cannot be repeated and it will continue to be done very honourably, and therefore, Mr. Chairman, I wish to move that the Mover be called upon to withdraw that Motion immediately.

The Chairman (Dr. De Souza): You cannot move that I am afraid.

Mr. Mbogoh: That the question be put.

The Chairman (Dr. De Souza): There is still one speaker and so I will give him a chance.

Mr. Lubembe: I see that the hon. Chief Whip intends to tell me exactly what I should do.

Mr. Chairman, there is a very important point here. While agreeing with the hon. Mr. Mbogoh that the Mover is just jealous that the wife of the Vice-President got this medal—

The Chairman (Dr. De Souza): Order! No, Mr. Lubembe; you must withdraw that.

Mr. Mbogoh: Mr. Chairman, I did not use that word.

The Chairman (Dr. De Souza): No, you did not. It is Mr. Lubembe who is to withdraw.

Mr. Lubembe: I will say, Mr. Chairman, that it is important that we keep this money and that we get these awards for our people. The only thing I can say is that those who advise the President as to who should get these awards should always be nice and see that the proper people who deserve these awards are given them. I am not saying that those who have been given do not deserve them because they have already been given, but in future I feel that proper advice as to who has done that and who has not done this and so on, should be the basis of giving these particular awards.

The second point is that the Minister, having said that those who have foreign decorations should put them away, I think the committee concerned should advise the President that anyone having a foreign decoration, or a foreign honour at all, should not be given any of our awards if he has not denounced it. When we give people who have already got other awards our own awards, and they continue using both, in my view sometimes they take those that they got earlier as being more important than the ones we have given. We have people who are called lot of names which they got in the army, and some were knighted by the British Government, and still we have given them our own honours and told them to use them. However, you find that when they

write they write those other ones first and then put ours last. That means that ours are less important and those they got first are more important. It is because of this, Mr. Chairman, that I feel that unless the people with these foreign decorations denounce them, the President should be advised not to give them anything at all.

(Question of the reduction put and negatived)

(Subhead B11 agreed to)

Subhead B13—Expenses of State Visits

Mr. Shikuku: Mr. Chairman, here again is an additional sum, and it is shown on page 1. In the original estimate we had only £2,000 for this sort of business, and then there was a revised estimate of £22,000, and then in the long run we have the additional sum of £20,000. I do not want to go much—

The Minister for Natural Resources (Mr. Nyagah): Mr. Chairman, am I in order to think that after rejecting a vote on reduction we move straight from that head to another head? I have a feeling that that is not the right procedure.

The Chairman (Dr. De Souza): No, no. We are, in fact, doing just that. We have moved further on. The Office of the President, as you know very well I am sure, is like this: When one is moving a reduction under B11, you have to move a reduction to the whole Vote, the whole department. However, we have not as yet discussed B13, and we have not even started on E9.

Carry on, Mr. Shikuku.

Mr. Shikuku: Mr. Chairman, I will not take up much of the House's time on this, but it is this increase of £20,000.

Mr. Chairman, when I look at B13, on page 2— and I quote:—

“A number of visits by Heads of States to Kenya have taken place during the financial year and additional provision of £20,000 is required to cover the expenditure involved.”

I hope this is including our friend from Ghana and many other places. Mr. Chairman, I do not mind who visits Kenya as Head of State, or which part of the world he comes from. I do not have any quarrel with this, but the expenditure you see here, for the Heads of States, they have not given us details. I am sure, Mr. Chairman, because we have had some drinks here in the National Assembly, and I remember one party which cost us Sh. 29,000. This was in one day, from 6.30 o'clock to a few minutes to 8 o'clock. During this short period we spent Sh. 29,000—we consumed this. Who consumes, and this is the question? The public of this country? No. It is a few privileged

[Mr. Shikuku]

big-bellied people. This includes the Member for Butere. Mr. Chairman, I am not accusing anybody, but it is a fact that I do not drink because I only take my Fanta, which I can pay for. If the future Government wants me to repay this, then I can repay money for all the bottles of Fanta I have taken. Those who take whisky, brandy, gin and so on, including the hon. Okelo-Odongo, these are the people who are bringing a lot of bother to the country.

Mr. Okelo-Odongo: On a point of order, Mr. Chairman, is it in order for the Member to shout my name so loud when he has already accepted the principle that he does take things there. I do not know what he takes. He may be the one taking whisky in the guise of Coca Cola.

The Chairman (Dr. De Souza): Carry on, Mr. Shikuku.

Mr. Shikuku: Thank you, Mr. Chairman. I know that is an interjection, but it is only God who knows whether I take alcohol at all, but I know I do not.

The principle is that these drinks are very expensive and cost us a lot of money. Mr. Chairman, I do not disapprove of the parties, but I think parties are intended to enable people to come together and meet and exchange views. We can do that very cheaply—an example is the other day, Mr. Chairman, when we opened the National Assembly; we had cold tea there, sandwiches and Fanta, and this is all right. But the parties with all the gin, sherry and God knows what is what is increasing our expenditure. I appeal, and I have done this several times, I appeal to the Minister for Finance that in future for State Visits and so forth, we can easily meet over a glass of soda, or a cup of tea; the purpose is to meet our friends. At any rate, you do not know your friends very well when you are tipsy. Some of them, Mr. Chairman, cannot stand on their own feet at a party, so how will they know who they are meeting when they are topsy-turvy and do not know anybody? He repeats whatever he says ten thousand times and this does not make public relations any better. Some of them are very responsible men in the Government who are tottering about and saying “I am glad to meet you; Mr. So-and-so” and he does not even remember names. I am told some of them have even fallen down at the Airport.

Mr. Chairman, I appeal to the Minister for Finance to make it a point that in future at State parties or at any other parties, there will only be bottles of soda and cups of tea, and we will be better off and we can help other important and urgent projects in the countryside.

I know the money has been spent, Mr. Chairman, but I am only cautioning the Minister for his future reference.

Mr. Mwithaga: Mr. Chairman, Sir, I remember having said in this House some time back that it was time we decided on how many visits we should be having from Heads of States because of incurring expenditure which this country finds difficult to bear. I know it is the prerogative of the President in carrying out State duties and trying to establish relations with our neighbours and other Heads of State. This is unquestionable.

Mr. Chairman, expenditure being incurred to the extent of £20,000 and not knowing how many other State Visits we are going to have before the year ends, which might mean a further Supplementary Estimate being brought to this House. Mr. Chairman, Sir, the whole thing is really questionable. I believe most of the leaders of this Government have read rudiments of economics and they know very well that it is vital to try and curtail expenditure in the interests of the nation.

Mr. Chairman, if we continue to encourage these State Visits, some of which, I believe, are by very questionable men, then, Mr. Chairman—I say they are questionable because I know.

Mr. Odero-Jowi: Who are questionable?

Mr. Mwithaga: Mr. Chairman, Sir, I do not need the hon. Odero-Jowi to tell me who these people are. I know them.

Mr. Mbogoh: On a point of order, Mr. Chairman, the hon. Member is insulting some people under the guise of calling them “questionable”. Mr. Chairman, I feel he should be able to substantiate that Kenya asked some questionable people to visit here.

The Chairman (Dr. De Souza): Order! I do not think we really want to go into this. I, myself, did not like the qualification “questionable” because, after all, anybody who comes on a State Visit to Kenya is a guest of this country. I do not think we really want to go into the merits of the particular individual. You can, I think, speak on the amount of money spent on entertainment, that is in order. I do not think we want to go into the question of the merits or demerits of a particular individual.

Mr. Mwithaga: Mr. Chairman, Sir, I do not intend to hurt anybody, but this is my personal submission out of my personal understanding out of conscience and a very clear conscience. I will not tread on that ground again.

The question of spending £20,000, Mr. Chairman, is something which the Minister for Finance should be prepared to tell us about. He should

[Mr. Mwithaga]

tell us if we are going to have further visits because I believe this is, as the President said, the closing of a chapter of six years of Parliamentary rights and this means we are going to have a General Election.

Mr. Chairman, the country cannot afford to spend more money at this juncture. What I am trying to find out from the Minister is whether he can give us any indication as to how justified this expenditure is, and if it is not why is it not possible to do away with it. The essential services, as I have said earlier in the other Vote, is that we have very vital issues concerning salaries for our people, and I refer specifically to teachers. Now, Mr. Chairman, we have the problem of unemployment, the school leavers, and all these need money to be spent on them. Therefore, Mr. Chairman, why cannot we transfer some expenditure to some essential and national issues rather than spending money on mere public relations and internationalism which sometimes may not be all that good for us?

Therefore, Mr. Chairman, without dwelling on this very much, there are those essential services to be treated as emergency issues—like the teachers' salaries, unemployment and so on—to be handled by this money. I hope the Minister will take heed of this and consider it very seriously in his good wisdom.

Mr. Okelo-Odongo: Mr. Chairman, again we are being asked to provide nearly Sh. 800,000 which has already been spent by the Government—

Hon. Members: It is written in pounds here.

Mr. Okelo-Odongo: Our people understand shillings better than pounds. This money has been spent on State Visits. Mr. Chairman, the important thing here is that this money—

Mr. Mbogoh: On a point of order, Mr. Chairman, am I to understand that by six o'clock, if we have not finished, this will be guillotined?

The Chairman (Dr. De Souza): That is what I was under the impression earlier. I have been talking to Mr. Speaker about this and he is of the opinion that anybody can move a Motion that we continue this debate tomorrow, or another day. If that is so, I just want to check it up before I give a final decision on the point. But if it is so, then I will let any hon. Member move that the debate on the Supplementary Estimates be continued on another Sitting Day. I do not want to give a decision at the moment. I am considering the matter first, and at about five minutes to six o'clock I will decide one way or the other.

Mr. Mbogoh: I just wanted to draw the attention of the hon. Member speaking, that if it comes to that point and we have not finished the whole thing it might be very bad, therefore, I submit that in case the Speaker agrees that somebody can move that the debate be continued then I am prepared to do that.

Mr. Okelo-Odongo: Mr. Chairman, what I was saying is that this money is being paid by the ordinary citizens of this country. The ordinary man who pays it from his pocket. The most unfortunate thing is that the ordinary man is not told why these people must come here, and what they come to do, especially when there is no money to pay for their being here.

I think the Minister should be surcharged on this because they invited a guest when they knew they were broke and could not pay for him. Mr. Chairman, this is most unfair and I think the Government should put this right, that to invite people here without telling the country exactly why they have been invited is wrong because to ask somebody to pay for somebody's visit here, and we do not know what the person is going to do for us, is very disturbing. We had a guest the other day, the Head of State of Ghana, and as soon as he went back to Ghana he was toppled. We do not know if this was because he came here and so the people there did not want him, or what happened. If we can invite a person here and he goes back and is toppled just like that, one wonder's why, if we knew he was so weak, we invited in the first place, Was it because he visited here that he was toppled?

Mr. Chairman, that is one point. Another point is that if we are going to have Heads of State coming here to eat our money, then our Head of State and other guests, Ministers and Members of Parliament, should go to these places and also eat their money. Why does not the Kenya Head of State go to Ghana, Liberia, Zambia and the other places? When they do go they should also take Opposition Members, and not segregate them and so on. If this was the case it would be better. This is one-way traffic and we do not want this. If we are going to have Heads of State, Mr. Chairman, then our Head of State must visit those places. We should go there to eat what they ate here. This is African Socialism. If our Head of State has decided not to go anywhere, then for goodness sake let no Head of State come here. We can send our ambassadors there because this is expenditure on one side only.

The Assistant Minister for Finance (Mr. Balala): Mr. Chairman, Sir, the point raised by hon. Shikuku was a very minor one, which was in

[The Assistant Minister for Finance]

connexion with having parties and so on when a Head of State visits the country. He implied that this is expensive to the ordinary man. We should take into consideration not only the question of taking drinks or coming to eat the food which we provide. There is much more behind a visit by a Head of State, and this is to improve international relations between us and our friends in other countries. It is also to improve and increase our trade relationship with other countries whereby we can sell our products, those we manufacture here.

So the question of the Heads of State visiting our country is not only a question of their coming here, having our drinks and food, but there is much more behind this. The hon. Members will remember when we had a crisis, when we had trouble with the shifta in the North-Eastern Province, how we received a big support from the majority of the world Heads of States. This was brought about not only through giving drinks and food to Heads of States who come here, but through consultations and understanding one another's opinion and political ideas. This is why I say that visits from Heads of States are very meaningful, they are very beneficial for our country. In fact, it is not that we spend, say, £20,000 to entertain several Heads of States but because of their visits we may be able to get more than that through trade relationship and relationships in other directions.

The Chairman (Dr. De Souza): I will entertain the resolution now, that the Committee do report progress and beg leave to sit again. Then, if this is passed I will put it to the House—we will sit in the House—and any Member can move that this debate be continued for a further sitting day.

If any hon. Member wishes to move this, I will now accept it. Mr. Mbogoh wanted to move it, but I see that he is not in the House now.

The Assistant Minister for Works (Mr. Godana): On a point of information, Mr. Chairman why should we extend this discussion? Are we not in a position to close the debate?

The Chairman (Dr. De Souza): There is nothing for us to decide it is for the Committee and the House to decide. All I am saying is that there were hon. Members who had expressed the wish that they wanted to continue the debate on this matter. I am merely giving them a chance; if any hon. Member does want to move such a Motion, he can now do so. If nobody wants to move it, then we will continue.

MOTION**PROGRESS TO BE REPORTED**

Mr. Odinga: Mr. Chairman, Sir, I beg to move that the debate on the Supplementary Estimate No. 2 be given time tomorrow to be debated further. This is necessitated by the most important questions which we want to discuss tomorrow, Sir. Therefore, I would request the House to support me in this Motion.

The Chairman (Dr. De Souza): Order!

The Motion will be, that the Committee doth report progress and beg leave to sit again. If this is passed, it will go to the House and any Member can there move that we have another sitting day to discuss this particular matter.

So I will put the question without debate. Every hon. Member knows the points involved here.

Mr. Shikuku: On a point of order, Mr. Chairman, if you put the question now, that the House should not discuss this further today, then there will be no debate again. Therefore, could we not advance our arguments—

Hon. Members: No. No.

The Chairman (Dr. De Souza): Order! If this is passed, we will go into full House. That means the Speaker will be in the Chair, and some hon. Members can then move the formal Motion. The Standing Order says, "Unless the House otherwise orders", so only the House can order that there be allowed an additional day. So, what we are in fact doing, is adjourning the Committee to enable the House to decide. However, it is for the Committee to decide whether, it wants to have an adjournment or not. I leave it to the Committee to decide.

There is hardly any point to have a full-scale debate on this particular matter because I am sure hon. Members are quite clear whether they want another day or not. If they do not want another day, they will vote against it, if they do want another day, they will vote for it. However, it is my duty to put it to the Committee and it is for the Committee to decide.

I will, therefore, put the question in terms I have proposed, namely, that the Committee do report progress and beg leave to sit again.

(Question put and negatived)

(Resumption of debate on Supplementary Estimate No. 2)

The Chairman (Dr. De Souza): We will now proceed with the Supplementary Estimate and at 6 o'clock we will have the guillotine.

Mr. Shikuku: On a point of order, Mr. Chairman, now that you say that at 6 o'clock everything will be guillotined, does this mean that there will be no question of any Member moving that the debate be continued?

The Chairman (Dr. De Souza): That is right.

Mr. Shikuku: That being the case, Sir, what happens in a case where we have been rather delayed and there is something which we are going to—

The Chairman (Dr. De Souza): I am sorry. It is for the House to decide. I, in fact, put it to the House and the House voted against it.

Mr. Shikuku: So the Ministers have the money? The Ministers will have to pay for it. You cannot win all the time.

The Attorney-General (Mr. Njonjo):
..... (Inaudible).

Mr. Shikuku: On a point of order—

The Chairman (Dr. De Souza): We will overlook that, Mr. Shikuku.

Mr. Shikuku: But do you accept that Sir?
(*Subhead B13 agreed to*)

TRAINING INSTITUTIONS—OTHER CHARGES

Subhead E9—Equipment and Other Improvements to Conference Centre

(*Subhead E9 agreed to*)

(*Vote 1 agreed to*)

VOTE 5—POLICE

Subhead F—Replacement of Vehicles

(*Subhead F agreed to*)

Subhead V—Miscellaneous Other Charges

Mr. Kamau: On a point of order, Mr. Chairman, is it in order for the two gentlemen, the Attorney-General and the Chief Whip to exchange bad language in the House, both of them being hon. Members?

The Chairman (Dr. De Souza): Well, it is not in order for anybody to use unparliamentary language in this House, whoever he may be. If he does do so, I am sure he will withdraw now and be careful next time.

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Chairman, Sir, is the hon. Member right in giving you wrong information? Here we are in a friendly conversation; so, how can he say that?

(*Subhead V agreed to*)

(*Vote 5 agreed to*)

VOTE 6—MINISTRY OF FINANCE

Subhead A—Personal Emoluments

Mr. Shikuku: Mr. Chairman, Sir, I wish to draw your attention to page 5, under "S"—

The Chairman (Dr. De Souza): We have not come to that as yet.

Mr. Shikuku:—where this money has been set down. I think this is the gratuity for Ministers and I think the Ministers are covered under this. I would like to know how much each Minister received and why. You will have to explain this in future.

The Chairman (Dr. De Souza): It is now six o'clock and I will have to apply the guillotine.

I will now put the question of the Motion we have been discussing.

(*Question put and agreed to*)

The Chairman (Dr. De Souza): Mr. Balala, would you like to move the third Motion now?

SUPPLEMENTARY ESTIMATE NO. 1 OF 1968/69—
DEVELOPMENT

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

THAT, a sum not exceeding K£1,482,819 be issued from the Consolidated Fund to meet expenditure during the year ending June 1969, in respect of Development Supplementary Estimate No. 1 of 1968/69.

The Chairman (Dr. De Souza): I will put the question right away.

(*Question proposed, put and agreed to*)

(*Resolutions to be reported without amendment*)

(*The House resumed*)

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

REPORTS

STATEMENT OF EXCESSES, 1965/66

Dr. De Souza: Mr. Speaker, Sir, I am directed by the Committee of Supply to report that the following Resolution has been approved without amendment, that a sum not exceeding K£108,164 10s. 05 cents be issued from the Consolidated Fund to meet expenditure during the year ending 30th June 1966, in respect of Statement of Excesses 1965/66.

The Assistant Minister for Finance (Mr. Balala): 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*)

SUPPLEMENTARY ESTIMATE NO. 2 OF 1968/69—
RECURRENT

Dr. De Souza: Mr. Speaker, Sir, I am directed by the Committee of the whole House to report its consideration of the Resolution and approval thereof without amendment, namely, that a sum not exceeding K£638,394 be issued from the Consolidated Fund to meet expenditure during the year ending 30th June 1969, in respect of Supplementary Estimate No. 2 of 1968/69 (Recurrent Expenditure).

The Assistant Minister for Finance (Mr. Balala): 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)

SUPPLEMENTARY ESTIMATE NO. 1 OF 1968/69—
DEVELOPMENT

Dr. De Souza: Mr. Speaker, Sir, I am directed by a Committee of the whole House to report its consideration of the following Resolution and its approval thereof without amendment, namely, that a sum not exceeding K£1,482,819 be issued from the Consolidated Fund to meet expenditure during the year ending 30th June 1969, in respect of Development Supplementary Estimate No. 1 of 1968/69.

The Assistant Minister for Finance (Mr. Balala): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Resolution.

The Minister for Education (Dr. Kiano) seconded.

(Question proposed)

(Question put and agreed to)

CHANGE IN THE ORDER OF BUSINESS

The Speaker (Mr. Slade): I think it would be more convenient, in view of the anticipated arrival of a distinguished visitor, if we changed the Order Paper, and with your agreement, Mr. Gichuru, leave over the Committee of the whole House and move on to the conclusion of the debate on the Petroleum Duties (Amendment) Bill.

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

The Speaker (Mr. Slade): We will take that Order first then.

BILLS

Second Reading

THE PETROLEUM DUTIES (AMENDMENT) BILL

(Minister for Finance on 3rd June 1969)

(Resumption of debate interrupted on 3rd June 1969)

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

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I would like to say thank you very much to those who spoke on this particular Motion and I do not think I have anything to add to what I said yesterday.

Mr. Speaker, Sir, I beg to move.

(Question put and agreed to)

Mr. arap Biy: On a point of order, Mr. Speaker, when the Mover is called upon to reply and so many points were made during the course of the debate, does it really mean that he has nothing to say except that he begs to move?

The Speaker (Mr. Slade): No, Mr. arap Biy, there is no point of order there.

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

The Speaker (Mr. Slade): I think again, hon. Members, if convenient to the Attorney-General, we will move on to the next one, or if it suits the Minister for Finance we could move on to Order No. 9. The African Assurance and Provident Corporation Limited Bill. We will take Order No. 9, Mr. Clerk.

Second Reading

THE AFRICAN ASSURANCE AND PROVIDENT CORPORATION LIMITED BILL

The Assistant Minister for Finance (Mr. Balala): Mr. Speaker, Sir, the African Assurance and Provident Corporation Limited was incorporated in Zambia, formerly Northern Rhodesia, in March 1953. It was registered in Kenya in May 1957 as a foreign company. At that time there was no special legislation in Kenya which could control the company's activities except in matters which fell under the Companies Act.

The African Assurance and Provident Corporation was, therefore, able to write life assurance business without hindrance until February 1960 when the Federal Authorities in Salisbury prohibited the company from writing further business, both in the Federation and in Kenya. The company is now in the course of liquidation under Zambian Law.

[The Assistant Minister for Finance]

To wind up the company's affairs in Kenya would have resulted in a substantial loss to policy-holders in Kenya. It has been estimated that the Kenya policy-holders would only have received Sh. 1 for every £1 of the premium they had paid. Such an event would have resulted in a serious setback to the life assurance movement in Kenya, and life assurance is a valuable channel for raising savings and promoting Kenya's own development. Besides, there would have been a social problem because the dependents and policy-holders would have lost protection due to no fault of theirs.

An interesting part of the situation, Mr. Speaker, was that most of the company's assets were held in Kenya whereas the liabilities were divided between Kenya and the Federation, and some claims were also made by people resident in South Africa. Thus, if no arrangements were made to retain Kenya assets for Kenya policy-holders, most of the funds would certainly have flowed out.

For all these reasons, shortly before the liquidation was put in hand in Zambia, the Kenya Government with the directors' consent, obtained possession of the company's assets in Kenya in order to hold them in trust for the Kenya policy-holders. Later on a new company was incorporated in Kenya under the same name, African Assurance and Provident Corporation Limited. Its share capital is £100 and the issued share capital is held by two nominees of the Government of Kenya in trust for the liquidation of the Zambian Company. This also enabled the Government to control the company's affairs and administration in Kenya.

An interim actuarial valuation of the company's portfolio suggests there would be a deficiency of not more than £25,000. This deficiency is the difference between the actual valuation of the contractual life assurance liabilities to be taken over by the new company and the value of the Kenya assets held by the Government. The House is aware I think, Sir, that it has already approved in the 1968/69 Development Estimates, Vote 25, a sum of £25,000 for the purpose of covering the deficiency. The Bill provides that the funds so given by the Government will be invested in Government Stock thus there would be no cash loss to the Government.

Once the new company was established and assets safeguarded for the Kenya policy-holders, the question of day-to-day administration of the company arose. In the initial period the Government nominees continued to manage the com-

pany. However, on long term basis it was considered the administration should be passed to the Kenya National Assurance Company Limited, in which, as the hon. Members know, the Government has a controlling interest.

With this in view the Government has signed an agreement with the Kenya National Assurance Company to enable it to take over the management of the company. Basically, the Bill aims at transferring the assets and liabilities of the Zambian Company in Kenya to the new Kenya company, and then pass on the share holding to the Kenya National Assurance Company Limited. The Bill also enables the Government to find the deficiency and indemnify the new company against likely liabilities and costs.

Finally, I would like to say that the whole matter has been very complex legally and I thank the Kenya National Assurance Company Limited for undertaking the ownership and administration of the African Assurance and Provident Corporation Limited.

Mr. Speaker, Sir, I beg to move.

The Minister for Finance (Mr. Gichuru) seconded.

(Question proposed)

Mr. Bala: Thank you very much, Mr. Speaker, for giving me this opportunity to say a few words about this corporation.

Mr. Speaker, we understand from the Assistant Minister that the people who insured their lives are to receive only Sh. 1 per £1. Mr. Speaker, what the Assistant Minister has not told us is how much of the investment of this corporation in Kenya, how much money have they invested in Kenya which cannot be taken over by the Government in order to pay these policy-holders. Also, Mr. Speaker, he has not told us about the assets owned by these people. How much money have they invested in buildings? How many people have received loans from them in this country? We would then know exactly the amount of money which has been paid by the policy-holders, and the amount of money which they have invested in Kenya—

The Attorney-General (Mr. Njonjo): Selling money.

Mr. Bala: The Attorney-General is saying "selling money", but I did not say this, and I think it is time the Attorney-General listened to me carefully. I am his employer and as such I am entitled to be treated properly.

[Mr. Bala]

Mr. Speaker, Sir, the Assistant Minister would have done a good job if he had told us the exact position of this corporation because, Mr. Speaker, we are not going to approve the Bill in darkness. We should know if we can get away with some of the money which these people invested in Kenya so that our people do not suffer unnecessarily.

Mr. Speaker, with these few remarks I reserve my position.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I would like to stand to support the Bill. The issue was discussed here some time ago. If the Government had not stepped in the policy-holders would definitely have lost money and the Assistant Minister did say that we had, as a Government, to close the gap to ensure that our people did not lose £25,000. What we are trying to do to save the position is to get our own assurance company to take them over. There was some resistance at the beginning and we have managed to negotiate, and my hon. friend, Okelo-Odongo, knows all about this and so he ought to support me. We were only trying to help. This is a real operation to assist these people not to lose their money and that is all it means and all we want. Over 90 per cent of the holders of these policies are Africans and we felt—just as we did with Kenatco—that a lot of poor fellows were deceived into an organization by some other fellows. Some of these fellows I know very well, and whatever they have touched with their fingers has gone rotten. I said, “You give this organization six months; if it survives, well and good, it will carry on.” It did not survive six months because the fellows running it were dishonest. I am not ashamed to say that because if I am called to a court of law I could name a few of them.

We are talking about the African Assurance and Provident Corporation Limited Bill; we did not want to change this name although this name was initiated in Salisbury. We did not want to delete it. We want this group to get into our own national assurance company as a group until all the matters are rectified and there are no problems to arise. This is a helpful operation; all we are trying to do is to help these people. We want to legalize it so that they do not lose their money; so that people, in future, who want to assure with our national assurance company will have confidence, which is important.

An hon. Member: What about the losses?

The Minister for Finance (Mr. Gichuru): The present losses, we are going to see how much we can help.

An hon. Member: Who are the directors?

The Minister for Finance (Mr. Gichuru): You and I as Members of this Assembly.

Mr. Speaker, Sir, I think this is the gist of the whole thing, that all we are trying to do as a Government is to help these people so that they do not lose their money—our own people.

An hon. Member: Who are they?

The Minister for Finance (Mr. Gichuru): Many of them like you and me.

The Assistant Minister for Finance (Mr. Balala): And the Government representatives.

The Minister for Finance (Mr. Gichuru): And the Government representatives, yes.

Mr. Speaker, Sir, I beg to support.

Mr. Mwithaga: Mr. Speaker, Sir, this Bill is very welcome in that in one aspect it is a big blow to Ian Smith and his régime in the south, and an encouragement of the Government's policy of services for the welfare of society and safeguarding such welfare is, indeed, very vital. In fact, this is the second time—The Attorney-General does not have to tell me to read there because I have got specs and can see the words “for the welfare of society and the just government of men.”

Mr. Speaker, Sir, this is the second time the Government has come out in the open to try and safeguard the interests of the people because some hands have been very awkward and very cheeky, fraudulent hands, which have been trying to misuse the intelligence of our masses. At this time, Mr. Speaker, Sir, our people are going to lose money after investing it and depositing it somewhere in the hopes that their futures are secure. Therefore, I am sure those who have taken out their policy with this assurance company, will feel very grateful to the Government and will feel confident and that they have nothing to fear because they are safeguarded.

The only thing, Mr. Speaker, Sir, we have to guard against is the merger between the Kenya Assurance Company and the African Assurance Company, which is obviously anticipated. This assurance company is going to remain a wholly-owned subsidiary of the Kenya Assurance Company until some time in the future, because both of them at the moment are entities, and since they are entities, we have to formulate the method which will make them merge in the way that will suit the people who have taken out policies with this assurance company. I know this is not too technical for the Treasury because they are

[Mr. Mwithaga]

very well versed in this, but they have to be very careful in the manner in which they handle it so that the Kenya Assurance Company which, I think, is the Government, or something like that, takes over this assurance company and absorbs the policies involved for the betterment of the people.

WELCOME TO HIS EXCELLENCY THE
PRIME MINISTER OF SWAZILAND

(Hon. Members rose in their places while His Excellency the Prime Minister took his seat in the Speaker's Box)

The Speaker (Mr. Slade): Order! Hon. Members we are honoured by the presence in the Speaker's Box of a Distinguished Visitor, the Prime Minister of Swaziland, Prince Makhosini Dlamini, and his distinguished company.

On behalf of all hon. Members I assure our distinguished visitors of a warm welcome to our country and to this Assembly.

The debate will continue until the interruption of business.

(Resumption of debate on Second Reading of Bill)

Mr. Mwithaga: Mr. Speaker, Sir, I think the Minister for Finance wanted me to sit down.

Mr. Speaker, Sir, I was just about to finish by saying that the documents to be issued by this assurance company may be difficult to be understood when there is a merger and this is what I was telling the Government to try and guarantee against. We should try and use mostly the Kenya National Assurance Company in order that it may become more common with the policy holders, rather than the African Assurance Company, to make it easy for people to understand that merger when it comes about.

With those few observations, Mr. Speaker, Sir, I beg to support the Bill.

Mr. Okelo-Odongo: Mr. Speaker, Sir, the Minister did say that I knew all about this. I knew something about it, not all about it. There was a bad aspect which I knew about, namely that I think there was somebody who was working for this company who had run away with the money to Salisbury. The Kenya Government was then in a fix because they did not know what to do because they could not approach Mr. Smith down there and get the money back.

Mr. Speaker, the point is whether our Government has learnt anything from this, because there

are many companies now functioning in Kenya which are more or less in the same status as this company was in, and are still enlisting the patronage of our people. Whether they are, assurance companies or not, there are still many foreign companies which are functioning in Nairobi. What I do not know is whether the Government has learnt anything from this one, and whether it has taken precautions so that this kind of thing is not repeated. This is the main point. Of course, the taxpayer is now being asked to pay money from his pocket to a company to assist people who have bought life assurance and so forth from this company where the manager went away with the money to another country. This kind of thing cannot be repeated.

What I would like to know from my friend the Minister for Finance is whether he has taken precautions so that it will never be repeated again.

The Speaker (Mr. Slade): Mr. Gichuru, you have already spoken in the debate have you not?

The Attorney-General (Mr. Njonjo): Mr. Speaker, obviously the hon. Member is speaking from inside information. As the hon. Minister for Finance has just told us, when this company was getting into trouble the hon. Member opposite was, in fact, an Assistant Minister in the Ministry of Finance, and Chairman of this Kenya Assurance Company that we are talking about.

Mr. Speaker, I want to commend this Bill to the hon. Members because it is a salvage operation. This is not the first time that the Government has come to the assistance of our people when companies get into trouble. We have done that with Kenatco and Kenatco is now doing a profitable job. The trouble about this company is that if the Government, and indeed this House, does not support this Bill, the people who are going to lose are our own people because 95 per cent of policy-holders in this company are Africans. I am satisfied because I did the registration of this company. I strongly ask the hon. Member to support this Bill so that our fellow Africans can get some proceeds because otherwise, if this company were to go into liquidation—as it is now in Zambia—then the African policy-holders in this country will possibly, if they are lucky, get 50 cents or Sh. 1 in the pound. What percentage is that, Mr. Speaker, as against the amount of money that these people invested in this company by way of buying shares?

Mr. Speaker, the matter is clearly set out in the Memorandum of Objects and Reasons of the Bill and I am sure if the hon. Members read this

[The Attorney-General]

carefully, they will see that, in effect, the whole Bill is to try and help our fellow Africans who are policy-holders so that this company can form part of the other assurance company which is being run by the Government.

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

ADJOURNMENT

The Speaker (Mr. Slade): It is time now for the adjournment of the House and so the House is now adjourned until tomorrow, Thursday, 5th June 1969, at 2.30 p.m.

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

Thursday, 5th June 1969

The House met at thirty minutes past Two o'clock

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 150

SHORTAGE OF MEAT

Mr. Karungaru asked the Minister for Agriculture, if he would tell the House what immediate measures the Ministry had undertaken to alleviate the present shortage of meat supply to all local butchers in order to discourage the black marketing of meat; and what plans the Ministry had to prevent future shortages of meat supply.

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

There is no shortage of meat at the present time; in fact, the situation is quite the reverse. On the supply side, the Kenya Meat Commission is in a period of high cattle intake which should last for the next three to four months.

On the demand side, there is more than adequate quantities of meat on offer to the local butchers. A lot of the butchers have not even taken all the meat on offer by the Kenya Meat Commission over the last few weeks.

Mr. Speaker, Sir, there are two ways of tackling the problem of possible meat shortages in the future. In the short term, we must streamline the marketing arrangements for livestock, so that all beef animals suitable for slaughter and sale find their way to the consumers. For example, my Ministry has now considerably improved and strengthened its Livestock Marketing Division to facilitate its operation in the North-Eastern Province, Eastern and other areas, which have been difficult to reach in the past. In addition, Sir, to this the Kenya Meat Commission is improving its marketing and buying operations. In the long term, however, only increased productivity and assistance in our beef producing areas is going to give us the supplies of meat necessary to meet future demands.

Over the years since independence, our growing Kenya population, rising incomes, changes in status, and growing export business, have put great pressure on our local producers to provide more and more beef.

Mr. Mwalwa: On a point of order, Mr. Speaker, Sir, in view of the long reply that the Assistant

Minister is trying to give to the House, would it not be better for him to give this as a written reply?

The Speaker (Mr. Slade): I have on many previous occasions advised Ministries to give a written reply if they think the reply must be very long, but it is at their discretion and as we have it now, we should hear it to the end.

Mr. Murgor: Mr. Speaker, Sir, I was just going to finish it.

It has become apparent, Sir, that unless increased investment in the form of higher prices to producers is put into our beef production areas, Kenya will begin to run into an increasing severe shortage of beef in the early 1970's. In short Sir, Kenya has to speed up transitions from its feeling of one where range animals were collected from the range areas, to one in which animals bred and fed specially for meat production are utilized.

Mr. Karungaru: Mr. Speaker, Sir, arising from that boring reply, would the Assistant Minister deny or reject that two months' ago Nairobi had a shortage of meat, and that is why I was asking this question, because we are afraid of getting our meat from outside the city?

Mr. Murgor: Mr. Speaker, there may have been a shortage a few months ago, but I stress here that we are doing our best. Most of the cattle that could not, in the past, come to the town, now, because of our improvements in the north and the north-east, are now coming.

Mr. Chirchir: Mr. Speaker, Sir, is the Assistant Minister aware that this commission is making a monopoly especially to prevent people from places like the Eastern Province from selling their meat in Nairobi and so they have to go out?

Mr. Murgor: Mr. Speaker, Sir, the monopoly to the Kenya Meat Commission was given in this House.

Mr. Omweri: Mr. Speaker, Sir, since we have listened to a denial that there is any shortage of meat supply and at one stage the Assistant Minister said that on the demand side there is an increase of demand and, therefore, local supplies have to meet this demand, would the Assistant Minister give an account for why there is also an increase in the price of meat?

Mr. Murgor: Mr. Speaker, Sir, we have said that we are going, as a Government, to try and increase the price to benefit the farmers.

Mr. Ngala-Abok: Mr. Speaker, Sir, is the Assistant Minister and the Ministry aware of the very strong rumour going on that the Ministry put a quarantine on all African cattle coming to

[Mr. Ngala-Abok]

Athi River, and that the beef that we get there is all of European origin, and therefore the African trade has now been put to an end without a proper reason?

Mr. Murgor: Mr. Speaker, Sir, I refute that allegation. My Ministry and the Government does not work on rumours; we have never worked on rumours. There is only one thing, Mr. Speaker, if producers move their stock on instructions given by the field staff of my Ministry there will be no quarrel in their areas. The only solution to stamp out foot-and-mouth disease is for the producers not to move their cattle from place to place.

Mr. Wood: Mr. Speaker, arising from the answer, would the Minister agree with me that at the rate at which we are going now there will be a shortage of meat in 1970?

Mr. Murgor: Mr. Speaker, Sir, about 907,000 head of cattle were consumed in Kenya during 1968; we will need another 200,000 head by 1975 to meet the growing demand. Mr. Speaker, Sir, as we improve our areas of production and improve the water supplies in various places, this demand in 1970's will be met.

The Speaker (Mr. Slade): Next question.

Question No. 134

MATERNITY BEDS SHORTAGE, MASAKU PROVINCIAL HOSPITAL

Mr. Nthula asked the Minister for Health if he would tell the House what were the causes of the delay in building a maternity house in Masaku Provincial Hospital; was he aware that in the small hospital two women were sleeping in one bed; was he satisfied that the diet used there was sufficient in quantity; and what plans had the Ministry to modernize the laundry there.

The Assistant Minister for Tourism and Wildlife (Mr. ole Tipis): Mr. Speaker, Sir, on behalf of the Minister for Health, I beg to reply as follows.

Arrangements are under way for building a maternity unit at Machakos Hospital and as soon as all the necessary plans have been finalized, construction will start.

The Ministry does not and will not encourage the idea of two mothers sharing one bed. It is understood, however, that at one time there was brought a very serious case at night and, because there was no extra bed, two mothers who were not all that serious, were asked to share one bed

for the night in order to give room for the mother. That was inevitable if the lives of that mother and baby were to be saved. However, this is not the normal procedure.

The answer to part (c) is "Yes, Sir". The Ministry is satisfied that the diet used in that hospital is sufficient in quantity.

The Ministry intends to modernize the laundry depending on the availability of funds.

Mr. Nthula: Mr. Speaker, Sir, could the Assistant Minister tell us, because he tried to evade the question, why this has been delayed because it is known that this hospital has been there since 1920 up to this moment? Why is there the delay in supplying the provincial hospital with a maternity unit in the Eastern Province? Could he tell us the reason why.

Mr. ole Tipis: The reason why, Mr. Speaker, is the shortage of funds. The Government has recognized the urgent need for the extensions of this maternity unit and, as such it has, even now, made provision in its recurrent expenditure for £50,000 in 1969/70.

Mr. Nthula: Arising from the answer, Mr. Speaker, could the Assistant Minister tell the House why, in a small cottage, a small hostel of the county council, this has been granted to the Wakamba people, and it is known to the Ministry that this hospital is the provincial hospital for Eastern Province? Could he tell us why the Ministry has delayed the building of the maternity unit since we were granted that by the county council, and a small hostel—not hospital—is there? Where is the money which was granted to the Machakos Hospital?

Mr. Ondiek-Chillo: Where did you take the money?

Mr. ole Tipis: Mr. Speaker, Sir, I think I have answered the hon. Member's question earlier on. What he has failed to mention here is the contribution by the Machakos County Council, and I would like to inform him that the project value will be approximately £245,000, and the Government has already taken steps to try and find this money for this particular purpose.

The Speaker (Mr. Slade): Next question.

Question No. 138

TARMACKING ELDORET-TORORO ROAD

Mr. Barasa asked the Minister for Works if he would consider tarmacking a road branching from the Eldoret-Tororo main road to Bungoma District Headquarters which was only a mile away.

Parts of a Book

Cover- To put something over or upon, as to protect conceal or enclose.

Spine-The back part of the book and it faces outward when you shelf the book right.

Title Page- The page at the beginning of the book, usually containing the title of the book and the names of the author and publisher.

Copyright Page-Where the copyright date is found.

Dedication Page- its the place where the author dedicates the book to someone.

Table of Contents-A list of the books contents, arranged by chapter, section, subsection, Etc...

Forward- An introduction by someone other than the author, and it is usually a famous person..

Text (or Body)-The actual words of the book

Glossary-A list of hard words with their meanings often printed in the back of the book.

Bibliography- A list of books, articles ect. used or referred by the author at the end of the book.

Index-A list of names and subjects in alphabetical order at the end of the book.its the page

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[Mr. Odinga]

He has not actually given us any details and he is trying to argue on general questions. Yet, all the time, he is requesting us to approve a particular expenditure.

The Assistant Minister for Finance (Mr. Balala): Mr. Deputy Chairman, Sir, it is not for me to say whether the Leader of the Opposition is convinced or not because, as usual, he is never convinced and he will never be convinced if he does not want to be convinced.

Mr. Odinga: On a point order, Sir, is this a proper allegation for the Assistant Minister to say that I have never been convinced on any question, when it is reasonable, in this House?

The Deputy Chairman (Mr. Slade): Mr. Odinga, you must not get excited over that. That is the sort of thing that is said in Parliament many a time. It is not taken seriously. It is not out of order.

Mr. Odinga: On a point of order, Mr. Deputy Chairman, I still want the Member to substantiate. This is serious. We are dealing with finance, which is something which is rather important and—

The Deputy Chairman (Mr. Slade): You are quite in order, Mr. Odinga, with what you raise, but the Assistant Minister is also in order in his parliamentary exaggeration.

Have you finished what you were saying, Mr. Balala?

The Assistant Minister for Finance (Mr. Balala): Mr. Deputy Chairman, Sir, I have stated very clearly the number of vacancies that were filled. I have given him figures, and if the hon. Mr. Odinga cannot be convinced with facts and figures that I have submitted to him, then I do not know how I can convince him.

I have stated very clearly that the number of posts involved are 49 throughout the country. If this number of 49 cannot convince the hon. Leader of the Opposition, as to be an appropriate number to have efficient machinery in the Government, then it is not for me to say whether Mr. Odinga is convinced or not. I have given convincing evidence and also figures. This is all I can say.

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

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

Mr. Odinga: Mr. Chairman, Sir, the Assistant Minister, who has never actually tasted any election at all, he talks of these things—

The Assistant Minister for Co-operatives and Social Services (Mr. Maisori-Itumbo): On a point of order, Mr. Chairman, I would like to ask you whether the question of tasting election does arise in this debate on the Supplementary Estimate?

The Chairman (Dr. De Souza): That is not a point of order, I am afraid. As Mr. Speaker said, in Parliament, when one speaks, one is allowed to use whatever arguments one wants so long as they are not abusive or anything of that sort. I do not think we ought to take this too seriously.

Mr. Lubembe: On a point of order, Mr. Chairman, Sir, is the hon. Leader of the Opposition in order to allege that the hon. Assistant Minister has never tasted elections when, in fact, the hon. Assistant Minister was elected by the Members of this Parliament before we changed the Constitution?

The Chairman (Dr. De Souza): I am sure he will stand corrected on that point of view, I am sure.

Mr. Odinga: Mr. Chairman, I will go on to develop my point of view. To say that the vacancies were 49, this alone is not enough reason for us to vote a Supplementary Estimate. We wanted to know the urgency and the reason which actually necessitated that this amount of money should be voted as a Supplementary Estimate. Why did we not wait for the normal time of Estimates? We want to know this and if the Assistant Minister is incapable of answering, then he should have brought the proper man here, the man who would be able to convince us. This is a very clear thing we have before us.

Secondly, Sir, he has never been to the country and actually faced a constituency—and constituents—and that is why he was playing with the Minister for Social Services, whose performance in the country is well known.

The Minister for Co-operatives and Social Services (Mr. Ngala): Mr. Chairman, Sir, I think the Leader of the Opposition should be patient and perhaps read page 2 of the same Supplementary Estimates. When he has read that part I will then point out two points which might convince him. In that section, Mr. Chairman, Sir, if the Leader of the Opposition sees the causes, or looks at the causes of these extra expenditures, he will see that they are only two. First, there was some revision of salaries and some adjustment of salaries arising from the segmentation of the scale applicable to district officers. Now, this is one cause for the extra expenditure which was imperative. I have read the whole thing and I think, Mr. Chairman, Sir, it was not clear to the Leader of the Opposition because he

[The Minister for Co-operatives and Social Services]

was then talking to another hon. Member. The first reason is that there was the payment of arrears caused by revision of salaries, which were not paid in 1967/68 and the adjustment of salaries arising from the segmentation, that is, the scale point applicable to district officers—the district officers within the administration. This is one reason I am explaining this to the Leader of the Opposition because I think it is important that he should understand this point, and also follow the reasons for these over-expenditures, particularly because he is the Chairman of the Public Accounts Committee. Now, this is one reason.

The second reason, Mr. Chairman, Sir, also explains that there was an under-estimation arising from filling the vacant posts of which no part or provision was made in the original printed estimate within the provincial administration. Therefore, it is this under-estimation that was being covered by the further expenditure, and also the correction within the segment of salaries of district officers. These two reasons have made the emoluments swell and the provision for the swell was not provided for originally, and hence the Supplementary Estimates. If the Leader of the Opposition will bear with the Government, he will see very clearly that the two reasons, for this expenditure, are valid and legitimate, and this is what we are trying to explain throughout, and is what the Assistant Minister has been explaining under A.2—Provincial Administration.

Mr. Lubembe: Mr. Chairman, Sir, I do not have any question here since the Minister has explained everything, but I hope that the Leader of the Opposition is not going back to his usual talk that he sympathizes with the people who need to be helped. These district officers need money, because they have done some services to the Government and their salaries were under-estimated.

Mr. Okelo-Odongo: On a point of order, Mr. Chairman, Sir, is the hon. Member in order to be discussing this now?

The Chairman (Dr. De Souza): Although I, myself, am very strict about being relevant, I do not think I should stress it too hard. But we should be careful, and this being a fairly political House, we can use argument to show our particular point of view. In fact, he is in order.

Mr. Lubembe: Thank you, Mr. Chairman, Sir. I wish that question came from somebody who has never been in the Ministry of Finance. The hon. Member was there and was defeated and ran away.

I will say, Mr. Chairman, that in view of the fact that so many points have been explained, I do not want to go any further.

Mr. Okelo-Odongo: Mr. Chairman, Sir, the question was that if there were these vacant posts, why, if there was no money, did they have to be filled, especially when the provincial commissioners, the district commissioners and the district officers found it necessary to roam around in the country for such a thing like a Kanu candidate selection meeting? Now, if there is time for the provincial commissioner or the district commissioner to attend such a meeting, merely to elect a Kanu candidate, is it not conceivable that there is not enough work in the office and that some of these vacancies could have been left out until work was found for these people which they could do in their offices.

The Minister for Co-operatives and Social Services (Mr. Ngala): Mr. Chairman, Sir, I think the hon. Member probably misunderstood the whole intention. The posts, Mr. Chairman, Sir, were filled, and therefore there was work from the word “Go”. However, it was very clear that the Supplementary Estimates had got to be revised to pay for the service of the officers who had been in the establishment.

Secondly, it was then later on discovered that it was necessary to adjust the salary scale for the arrears to make up the proper salary over the period which had to be paid. To allege that there was no work and that the posts were not originally filled is not true. If the posts were not originally filled, of course, the hon. Member is a financier himself and he would understand that the Government would not be so stupid as to pay for the work which has not been done. I am making the point that the work was done and the posts were filled from the word “Go”. If the work had not been done, we are not as dull as the hon. Member thinks. We would not have paid for work which had not been done.

(Subhead A2 agreed to)

HEADQUARTERS—OTHER CHARGES

Subhead B6—Miscellaneous Other Charges

Mr. Mbogoh: Mr. Speaker, Sir, this is quite an interesting one—Miscellaneous Other Charges. When I look at the explanation, I find that it is on the caretaking of the *Harambee* House from the Ministry of Works which has moved to new offices. I think we all agreed that this was quite necessary, but then there is an additional provisional required to cover the cost of telephone rentals, and that is what I am concerned with. Mr. Chairman, that building should be without any

[Mr. Mbogoh]

telephone at all, that *Harambee* House. This is because it has the most inefficient systems of telephones that we have anywhere in Kenya. The most inefficient system that there is in Kenya is in *Harambee* House. This should not be paid for by the people of this country because fellows there keep on talking to their friends, and when you ring there you cannot get an answer. When you ring from Parliament Buildings, you hold on for five minutes or ten minutes, the telephone ringing there all the time, and I do not think that £7,000 was worth the cost it was paid for. Mr. Chairman, Sir, I feel that unless the telephone system is improved there, then we are wasting our money and we are not doing the service we are expected to do. That building, Mr. Chairman, Sir, is a very important building and it houses nearly every important department in this country, but it is the most inefficient building in telephone operations. Secondly, telephone operators there are very rude and when you try to speak to somebody, you are told to hang on and you may hang on for the rest of your life. So, Mr. Chairman, Sir, except that this is only one small part in the whole Vote, I would have refused to pass this Vote. But this is only one, which I think can be improved, and I would like the so-called Minister concerned with this money, instead of wasting money paying those telephone operators, to take them immediately to training and teach them how to answer the telephone calls, to say "Good Morning" to a gentleman when he rings from a certain building, and not when I ring just say, "*Harambee* House" and then stop, as if I am speaking to a grave. So, Mr. Chairman, I feel that those ghosts who live in *Harambee* House should be taught, and there should be no money voted to them in order to teach them how to operate telephones and how to receive telephone calls. Therefore, I think that point is very important indeed.

Mr. Okelo-Odongo: Mr. Chairman, Sir, the Government has overspent and is requesting this House to approve an expenditure of Sh. 140,000 for the Ministry of Works. One would like to know who is there now, since the Ministry of Works has vacated it—and what does caretaking imply?

Mr. Chairman, Sir, the Members of this House have no offices. I should say that *Harambee* House should provide offices for the hon. Members so that we can write to our constituents and receive letters from our constituents, and so forth. This is provided in other countries. Here is a case where the Government is spending extra money on a building which has been vacated, just for paying people engaged in sweeping the floor

every day, I suppose, and things like that. Can the Minister explain what is going on in *Harambee* House since it was vacated, and whether provision should not be made within this building for Members of Parliament to have offices where they can interview their constituents and other people? We need offices so that we do not keep on roaming about in Nairobi like ghosts.

The Assistant Minister for Finance (Mr. Balala): Well, Mr. Chairman, Sir, maybe the hon. Member who criticized *Harambee* House was not happy about it because, perhaps, one day he might have rung and he had to wait for some time before being replied; but we should, at the same time, take into consideration that *Harambee* House is accommodating several Ministries, including the Ministry of Foreign Affairs, Power and Communications, Administration, and the President's Offices and Defence, and as such, *Harambee* House is undoubtedly under pressure of work. So are the telephone operators.

The offices that were vacated by the Ministry of Works are now occupied by the different Ministries in *Harambee* House which had their offices and responsibilities expanded, and that is why those offices were taken over by other Ministries which used to be in *Harambee* House.

(Subhead B6 agreed to)

Subhead B11—Honours and Awards

Mr. Mwithaga: Mr. Chairman, Sir, this is where this House will need the Minister for Finance to come and explain fully why, despite the indication on page 2 that this is a mere decision to be carried out by revising the design of all honours and awards and that the cost is estimated, and convince this House that it is absolutely necessary, at this stage when the country so much needs money for many other services, that money can be spent on honours and awards. Now, Mr. Chairman, Sir, in the original estimates we see there was only £1 that was provided for; in the revised estimates we have £61,000, and the explanation given, in two lines, shows that there is much to be admired in the whole affair. I, personally, feel that this is absolutely unnecessary at this stage because there are other services which Kenya needs, and, in fact, Mr. Chairman, £61,000—I repeat, £61,000—is provided to create prestige, decorations for some individuals! Mr. Chairman, I feel it, and I am sure even the Ministers who wear some of those things feel it, and it is no use trying to vote this £61,000.

Mr. Chairman, the hon. Maisori says that I am not included. Honestly, Mr. Chairman, Sir, I have no interest to declare; I have never wanted to be decorated in this country, and I do not wish to be decorated.

An hon. Member: He is decorated by his beard.

Mr. Mwithaga: My beard does its bit, Mr. Chairman, you agree.

Therefore, all I am trying to say is that there must be an expounding of the whole involvement so that the House is actually convinced that there is absolute need, at this stage, to vote for this money. If the change, the revision of this design, will mean importing the medals and other decorations from overseas, it should be stopped forthwith, and we should suspend the whole expenditure and transfer it to the teachers who are now going on strike and want more money and other things. Mr. Chairman, Sir, that is an essential service. Instead of decorating 24 men in this land, we shall be able to provide this money for the teachers' salaries—41,000 teachers in the whole Republic—and this is very vital. Therefore, Mr. Chairman, I hope the Members will join hands with me to oppose that particular item and do away with it.

An hon. Member: We can continue using the honours which are there now.

Mr. Wariithi: Mr. Chairman, Sir, while we are on this question of honours and awards, it is quite true that the amount required is very substantial, and I will join my colleague, the hon. Member who has spoken, to express my concern.

Mr. Chairman, however, my major concern is that these honours and awards which our Republic gives to our distinguished people who do certain things, must have a proper place in this country. I doubt the reasonableness or rightness of continuing to recognize honours awarded by foreign powers. We do still have, in this country, people who are honoured M.B.Es., and O.B.E's., and when you see them in meetings or in offices you find these labels written after their names. Now, does that not indicate, Mr. Chairman, that they still have honour or loyalty to whoever gave them these awards? What I am saying, in short, is this: we would like our Government to assure us that those honours which were awarded by foreign powers, colonialists who were here, will not be recognized any further because if they are, the honours which we award as Sovereign State will have no place in certain respects. Take, for example, my own profession, the legal profession, you have Q.C's.—who are supposed to be Queen's Counsel; in other words, they are not even the President's Counsel—they are Counsel of the Queen of England.

So, I will say here very strongly that the Government must have a definite policy. I know one gentleman who is an O.B.E. You go to a meeting of the board of directors and you will find his

name is written first because he is an O.B.E. That gentleman, I do not want to say who he is, but you do not expect him to have the same loyalty to Kenya as he has for the King or Queen, or whoever gave him the award. So, what I am asking the Minister, Mr. Chairman, is that while we are going to spend all this money, we should be assured that only the awards given by our Head of State, by the Kenya Government, by the Republic, are going to be recognized and given a position, and others should be ignored and should not even be referred to. We have still some Sirs, and So-and-so, and when you call him "Sir", he feels different and, strangely enough, some of them are citizens of this country and still have this title. You wonder how this agrees with our Sovereign State, giving someone a citizenship and continuing to recognize the former title. So, Mr. Chairman, I see the Minister listening very attentively. Maybe he himself will respond to this.

The Minister for Finance (Mr. Gichuru): Mr. Chairman, I entirely agree with the hon. Member, and the Government is determined not to recognize foreign decorations, and this has been said very clearly before, otherwise our own decorations will not have much meaning.

I would like to take the opportunity of saying that a Kenya citizen who has foreign decorations can keep them in his box as we are not interested in seeing them.

An hon. Member: Throw them in the sea.

The Minister for Finance (Mr. Gichuru): Let them put them somewhere where we cannot see them. I think this is the point; whether it is the sea, a box or the *choo*—I have no preference.

I would like to emphasize that the Government recognizes only our local decorations.

The Chairman (Dr. De Souza): Order! I think we are going a little bit further than we should on this. The question of honours and awards is not at issue because, in fact, the principle has been passed; all we are discussing here are two things. The first is the cost of revision, the additional cost, namely £61,000, and secondly the amount itself to which only £1 was allotted. The principle of honours is accepted and was, in fact, passed in the Budget.

Mr. Okelo-Odongo: Mr. Chairman, Sir, I beg to move a reduction of £1 on this particular item because I think that it is most unnecessary to have so much money spent on these honours. Sh. 1 million is not a small amount of money. I do not know what kind of metal the Government intends to buy for these honours. Whether

[Mr. Okelo-Odongo]

it is gold or something else, evidently it is very expensive. If it has to be so expensive, and the Government wishes to give so many honours to people in this country, then I think they should use a cheaper material which is not so expensive as to cost us Sh. 1 million.

In any case, Mr. Chairman, Sir, I do not see how you can foresee to how many people you are going to give honours. I would have thought that when you give honours you only give honours to people who have done really something and have distinguished themselves on something specific which is a service to the country and to the nation.

An hon. Member: Kanu chairmen.

Mr. Okelo-Odongo: This whole business of Kanu chairmen getting something and then all Ministers getting something is not good; they might just as well all be given dresses. If they want the Ministers to have something, they should buy them some kind of beads from the stores here so that they wear them and then we will know that they are Kenya Ministers. The same thing goes for the Kanu chairmen; they should be provided with some kind of necklace, or whatever it is, so that we know that these are Kanu chairmen.

I think that honours and awards should be only for those people who have distinguished themselves in some specific service to the country, either in the military service, or they have been freedom fighters in the past, or a leader of opposition who has done something—like he has done—or a runner, for instance, who has done wonders in Olympic Games, or something like that. I think that this whole system of deciding that all Ministers have to get this and all So-and-so have to get this is completely missing the point. These honours should only be for those people who have distinguished themselves by specific action or specific excellence.

Mr. Chairman, I do not think we can estimate a specific amount for it. We should only work on a few gold medals, because I do not think many of us will be really available if they are really worth what they are; not many of us will be acceptable for this because some of them you have to get when you are dead, like the Victoria Cross of the United Kingdom.

Mr. Chairman, I was moving the reduction of £1 mainly because I think we should not have so much money spent on it, because only a few people need to be honoured and not all.

(Question of the reduction proposed)

Mr. Odinga: Mr. Chairman, I think that this is quite reasonable because I think the Government has devalued what was meant to be an honour. When I found that it can only be used to campaign and register support from the Kanu chairmen, then I thought that this is becoming meaningless and useless. Should we actually spend public money in canvassing support from the Kanu chairmen? I think that this should be considered very seriously in this House.

Furthermore, for a Minister to receive an honour is wrong because as a Minister he has got his salary and he is well paid for the work that he does as a Minister. He is well paid. But if he has actually distinguished himself in another duty somewhere, which is recognized nationally, then he should be given that recognition by that honour. However, to go and spend our money like this is wrong. If somebody wakes up and he thinks that he should go and please So-and-so, and spends public money in that manner, then I feel this is wrong. I think that this is unfair and, therefore, I can never agree that this is the best way of spending our money.

Certainly, at the very beginning, I was one of those people who sponsored this system of honours, but I did not have in mind that it would be used in the manner that it is now being used. If this is the manner in which it is going to be used, then it is worthless and, therefore, we should not spend any public money on it and should leave it alone.

Therefore, I support the Motion moved.

The Assistant Minister for Finance (Mr. Balala): Mr. Chairman, Sir, when the Mover moved a reduction of £1, I first thought that perhaps he had a very genuine case for moving the reduction, but from the comments of the Mover and the Seconder it looks as if the question of Kanu chairmen has been a repeatedly made. This is why I am now satisfied and convinced that it is only because chairmen of Kanu were awarded honours that the Members of the Opposition moved this reduction of £1 in the Vote.

It must be understood that the aim of having honours and awards is to give them to people who deserve such honours and awards. Such honours and awards are given to Heads of State, to military men, Ministers who have done a lot for this country, and even to chairmen of Kanu who have contributed to nation building, and also because they made it possible for a Kanu Government to be formed and will do so during the next General Election.

Mr. Mbogoh: Mr. Chairman, I very much understand the mentality of the Mover and the Seconder of this Motion for this reduction, but

[Mr. Mbogoh]

I feel that this pound which they say they reduce is a bit difficult because this money has already been spent. Although we understand that, I think the Assistant Minister has said that this cannot be repeated and it will continue to be done very honourably, and therefore, Mr. Chairman, I wish to move that the Mover be called upon to withdraw that Motion immediately.

The Chairman (Dr. De Souza): You cannot move that I am afraid.

Mr. Mbogoh: That the question be put.

The Chairman (Dr. De Souza): There is still one speaker and so I will give him a chance.

Mr. Lubembe: I see that the hon. Chief Whip intends to tell me exactly what I should do.

Mr. Chairman, there is a very important point here. While agreeing with the hon. Mr. Mbogoh that the Mover is just jealous that the wife of the Vice-President got this medal—

The Chairman (Dr. De Souza): Order! No, Mr. Lubembe; you must withdraw that.

Mr. Mbogoh: Mr. Chairman, I did not use that word.

The Chairman (Dr. De Souza): No, you did not. It is Mr. Lubembe who is to withdraw.

Mr. Lubembe: I will say, Mr. Chairman, that it is important that we keep this money and that we get these awards for our people. The only thing I can say is that those who advise the President as to who should get these awards should always be nice and see that the proper people who deserve these awards are given them. I am not saying that those who have been given do not deserve them because they have already been given, but in future I feel that proper advice as to who has done that and who has not done this and so on, should be the basis of giving these particular awards.

The second point is that the Minister, having said that those who have foreign decorations should put them away, I think the committee concerned should advise the President that anyone having a foreign decoration, or a foreign honour at all, should not be given any of our awards if he has not denounced it. When we give people who have already got other awards our own awards, and they continue using both, in my view sometimes they take those that they got earlier as being more important than the ones we have given. We have people who are called lot of names which they got in the army, and some were knighted by the British Government, and still we have given them our own honours and told them to use them. However, you find that when they

write they write those other ones first and then put ours last. That means that ours are less important and those they got first are more important. It is because of this, Mr. Chairman, that I feel that unless the people with these foreign decorations denounce them, the President should be advised not to give them anything at all.

(Question of the reduction put and negatived)

(Subhead B11 agreed to)

Subhead B13—Expenses of State Visits

Mr. Shikuku: Mr. Chairman, here again is an additional sum, and it is shown on page 1. In the original estimate we had only £2,000 for this sort of business, and then there was a revised estimate of £22,000, and then in the long run we have the additional sum of £20,000. I do not want to go much—

The Minister for Natural Resources (Mr. Nyagah): Mr. Chairman, am I in order to think that after rejecting a vote on reduction we move straight from that head to another head? I have a feeling that that is not the right procedure.

The Chairman (Dr. De Souza): No, no. We are, in fact, doing just that. We have moved further on. The Office of the President, as you know very well I am sure, is like this: When one is moving a reduction under B11, you have to move a reduction to the whole Vote, the whole department. However, we have not as yet discussed B13, and we have not even started on E9.

Carry on, Mr. Shikuku.

Mr. Shikuku: Mr. Chairman, I will not take up much of the House's time on this, but it is this increase of £20,000.

Mr. Chairman, when I look at B13, on page 2— and I quote:—

“A number of visits by Heads of States to Kenya have taken place during the financial year and additional provision of £20,000 is required to cover the expenditure involved.”

I hope this is including our friend from Ghana and many other places. Mr. Chairman, I do not mind who visits Kenya as Head of State, or which part of the world he comes from. I do not have any quarrel with this, but the expenditure you see here, for the Heads of States, they have not given us details. I am sure, Mr. Chairman, because we have had some drinks here in the National Assembly, and I remember one party which cost us Sh. 29,000. This was in one day, from 6.30 o'clock to a few minutes to 8 o'clock. During this short period we spent Sh. 29,000—we consumed this. Who consumes, and this is the question? The public of this country? No. It is a few privileged

[Mr. Shikuku]

big-bellied people. This includes the Member for Butere. Mr. Chairman, I am not accusing anybody, but it is a fact that I do not drink because I only take my Fanta, which I can pay for. If the future Government wants me to repay this, then I can repay money for all the bottles of Fanta I have taken. Those who take whisky, brandy, gin and so on, including the hon. Okelo-Odongo, these are the people who are bringing a lot of bother to the country.

Mr. Okelo-Odongo: On a point of order, Mr. Chairman, is it in order for the Member to shout my name so loud when he has already accepted the principle that he does take things there. I do not know what he takes. He may be the one taking whisky in the guise of Coca Cola.

The Chairman (Dr. De Souza): Carry on, Mr. Shikuku.

Mr. Shikuku: Thank you, Mr. Chairman. I know that is an interjection, but it is only God who knows whether I take alcohol at all, but I know I do not.

The principle is that these drinks are very expensive and cost us a lot of money. Mr. Chairman, I do not disapprove of the parties, but I think parties are intended to enable people to come together and meet and exchange views. We can do that very cheaply—an example is the other day, Mr. Chairman, when we opened the National Assembly; we had cold tea there, sandwiches and Fanta, and this is all right. But the parties with all the gin, sherry and God knows what is what is increasing our expenditure. I appeal, and I have done this several times, I appeal to the Minister for Finance that in future for State Visits and so forth, we can easily meet over a glass of soda, or a cup of tea; the purpose is to meet our friends. At any rate, you do not know your friends very well when you are tipsy. Some of them, Mr. Chairman, cannot stand on their own feet at a party, so how will they know who they are meeting when they are topsy-turvy and do not know anybody? He repeats whatever he says ten thousand times and this does not make public relations any better. Some of them are very responsible men in the Government who are tottering about and saying "I am glad to meet you; Mr. So-and-so" and he does not even remember names. I am told some of them have even fallen down at the Airport.

Mr. Chairman, I appeal to the Minister for Finance to make it a point that in future at State parties or at any other parties, there will only be bottles of soda and cups of tea, and we will be better off and we can help other important and urgent projects in the countryside.

I know the money has been spent, Mr. Chairman, but I am only cautioning the Minister for his future reference.

Mr. Mwithaga: Mr. Chairman, Sir, I remember having said in this House some time back that it was time we decided on how many visits we should be having from Heads of States because of incurring expenditure which this country finds difficult to bear. I know it is the prerogative of the President in carrying out State duties and trying to establish relations with our neighbours and other Heads of State. This is unquestionable.

Mr. Chairman, expenditure being incurred to the extent of £20,000 and not knowing how many other State Visits we are going to have before the year ends, which might mean a further Supplementary Estimate being brought to this House. Mr. Chairman, Sir, the whole thing is really questionable. I believe most of the leaders of this Government have read rudiments of economics and they know very well that it is vital to try and curtail expenditure in the interests of the nation.

Mr. Chairman, if we continue to encourage these State Visits, some of which, I believe, are by very questionable men, then, Mr. Chairman—I say they are questionable because I know.

Mr. Odero-Jowi: Who are questionable?

Mr. Mwithaga: Mr. Chairman, Sir, I do not need the hon. Odero-Jowi to tell me who these people are. I know them.

Mr. Mbogoh: On a point of order, Mr. Chairman, the hon. Member is insulting some people under the guise of calling them "questionable". Mr. Chairman, I feel he should be able to substantiate that Kenya asked some questionable people to visit here.

The Chairman (Dr. De Souza): Order! I do not think we really want to go into this. I, myself, did not like the qualification "questionable" because, after all, anybody who comes on a State Visit to Kenya is a guest of this country. I do not think we really want to go into the merits of the particular individual. You can, I think, speak on the amount of money spent on entertainment, that is in order. I do not think we want to go into the question of the merits or demerits of a particular individual.

Mr. Mwithaga: Mr. Chairman, Sir, I do not intend to hurt anybody, but this is my personal submission out of my personal understanding out of conscience and a very clear conscience. I will not tread on that ground again.

The question of spending £20,000, Mr. Chairman, is something which the Minister for Finance should be prepared to tell us about. He should

[Mr. Mwithaga]

tell us if we are going to have further visits because I believe this is, as the President said, the closing of a chapter of six years of Parliamentary rights and this means we are going to have a General Election.

Mr. Chairman, the country cannot afford to spend more money at this juncture. What I am trying to find out from the Minister is whether he can give us any indication as to how justified this expenditure is, and if it is not why is it not possible to do away with it. The essential services, as I have said earlier in the other Vote, is that we have very vital issues concerning salaries for our people, and I refer specifically to teachers. Now, Mr. Chairman, we have the problem of unemployment, the school leavers, and all these need money to be spent on them. Therefore, Mr. Chairman, why cannot we transfer some expenditure to some essential and national issues rather than spending money on mere public relations and internationalism which sometimes may not be all that good for us?

Therefore, Mr. Chairman, without dwelling on this very much, there are those essential services to be treated as emergency issues—like the teachers' salaries, unemployment and so on—to be handled by this money. I hope the Minister will take heed of this and consider it very seriously in his good wisdom.

Mr. Okelo-Odongo: Mr. Chairman, again we are being asked to provide nearly Sh. 800,000 which has already been spent by the Government—

Hon. Members: It is written in pounds here.

Mr. Okelo-Odongo: Our people understand shillings better than pounds. This money has been spent on State Visits. Mr. Chairman, the important thing here is that this money—

Mr. Mbogoh: On a point of order, Mr. Chairman, am I to understand that by six o'clock, if we have not finished, this will be guillotined?

The Chairman (Dr. De Souza): That is what I was under the impression earlier. I have been talking to Mr. Speaker about this and he is of the opinion that anybody can move a Motion that we continue this debate tomorrow, or another day. If that is so, I just want to check it up before I give a final decision on the point. But if it is so, then I will let any hon. Member move that the debate on the Supplementary Estimates be continued on another Sitting Day. I do not want to give a decision at the moment. I am considering the matter first, and at about five minutes to six o'clock I will decide one way or the other.

Mr. Mbogoh: I just wanted to draw the attention of the hon. Member speaking, that if it comes to that point and we have not finished the whole thing it might be very bad, therefore, I submit that in case the Speaker agrees that somebody can move that the debate be continued then I am prepared to do that.

Mr. Okelo-Odongo: Mr. Chairman, what I was saying is that this money is being paid by the ordinary citizens of this country. The ordinary man who pays it from his pocket. The most unfortunate thing is that the ordinary man is not told why these people must come here, and what they come to do, especially when there is no money to pay for their being here.

I think the Minister should be surcharged on this because they invited a guest when they knew they were broke and could not pay for him. Mr. Chairman, this is most unfair and I think the Government should put this right, that to invite people here without telling the country exactly why they have been invited is wrong because to ask somebody to pay for somebody's visit here, and we do not know what the person is going to do for us, is very disturbing. We had a guest the other day, the Head of State of Ghana, and as soon as he went back to Ghana he was toppled. We do not know if this was because he came here and so the people there did not want him, or what happened. If we can invite a person here and he goes back and is toppled just like that, one wonder's why, if we knew he was so weak, we invited in the first place, Was it because he visited here that he was toppled?

Mr. Chairman, that is one point. Another point is that if we are going to have Heads of State coming here to eat our money, then our Head of State and other guests, Ministers and Members of Parliament, should go to these places and also eat their money. Why does not the Kenya Head of State go to Ghana, Liberia, Zambia and the other places? When they do go they should also take Opposition Members, and not segregate them and so on. If this was the case it would be better. This is one-way traffic and we do not want this. If we are going to have Heads of State, Mr. Chairman, then our Head of State must visit those places. We should go there to eat what they ate here. This is African Socialism. If our Head of State has decided not to go anywhere, then for goodness sake let no Head of State come here. We can send our ambassadors there because this is expenditure on one side only.

The Assistant Minister for Finance (Mr. Balala): Mr. Chairman, Sir, the point raised by hon. Shikuku was a very minor one, which was in

[The Assistant Minister for Finance]

connexion with having parties and so on when a Head of State visits the country. He implied that this is expensive to the ordinary man. We should take into consideration not only the question of taking drinks or coming to eat the food which we provide. There is much more behind a visit by a Head of State, and this is to improve international relations between us and our friends in other countries. It is also to improve and increase our trade relationship with other countries whereby we can sell our products, those we manufacture here.

So the question of the Heads of State visiting our country is not only a question of their coming here, having our drinks and food, but there is much more behind this. The hon. Members will remember when we had a crisis, when we had trouble with the shifta in the North-Eastern Province, how we received a big support from the majority of the world Heads of States. This was brought about not only through giving drinks and food to Heads of States who come here, but through consultations and understanding one another's opinion and political ideas. This is why I say that visits from Heads of States are very meaningful, they are very beneficial for our country. In fact, it is not that we spend, say, £20,000 to entertain several Heads of States but because of their visits we may be able to get more than that through trade relationship and relationships in other directions.

The Chairman (Dr. De Souza): I will entertain the resolution now, that the Committee do report progress and beg leave to sit again. Then, if this is passed I will put it to the House—we will sit in the House—and any Member can move that this debate be continued for a further sitting day.

If any hon. Member wishes to move this, I will now accept it. Mr. Mbogoh wanted to move it, but I see that he is not in the House now.

The Assistant Minister for Works (Mr. Godana): On a point of information, Mr. Chairman why should we extend this discussion? Are we not in a position to close the debate?

The Chairman (Dr. De Souza): There is nothing for us to decide it is for the Committee and the House to decide. All I am saying is that there were hon. Members who had expressed the wish that they wanted to continue the debate on this matter. I am merely giving them a chance; if any hon. Member does want to move such a Motion, he can now do so. If nobody wants to move it, then we will continue.

MOTION**PROGRESS TO BE REPORTED**

Mr. Odinga: Mr. Chairman, Sir, I beg to move that the debate on the Supplementary Estimate No. 2 be given time tomorrow to be debated further. This is necessitated by the most important questions which we want to discuss tomorrow, Sir. Therefore, I would request the House to support me in this Motion.

The Chairman (Dr. De Souza): Order!

The Motion will be, that the Committee doth report progress and beg leave to sit again. If this is passed, it will go to the House and any Member can there move that we have another sitting day to discuss this particular matter.

So I will put the question without debate. Every hon. Member knows the points involved here.

Mr. Shikuku: On a point of order, Mr. Chairman, if you put the question now, that the House should not discuss this further today, then there will be no debate again. Therefore, could we not advance our arguments—

Hon. Members: No. No.

The Chairman (Dr. De Souza): Order! If this is passed, we will go into full House. That means the Speaker will be in the Chair, and some hon. Members can then move the formal Motion. The Standing Order says, "Unless the House otherwise orders", so only the House can order that there be allowed an additional day. So, what we are in fact doing, is adjourning the Committee to enable the House to decide. However, it is for the Committee to decide whether, it wants to have an adjournment or not. I leave it to the Committee to decide.

There is hardly any point to have a full-scale debate on this particular matter because I am sure hon. Members are quite clear whether they want another day or not. If they do not want another day, they will vote against it, if they do want another day, they will vote for it. However, it is my duty to put it to the Committee and it is for the Committee to decide.

I will, therefore, put the question in terms I have proposed, namely, that the Committee do report progress and beg leave to sit again.

(Question put and negatived)

(Resumption of debate on Supplementary Estimate No. 2)

The Chairman (Dr. De Souza): We will now proceed with the Supplementary Estimate and at 6 o'clock we will have the guillotine.

Mr. Shikuku: On a point of order, Mr. Chairman, now that you say that at 6 o'clock everything will be guillotined, does this mean that there will be no question of any Member moving that the debate be continued?

The Chairman (Dr. De Souza): That is right.

Mr. Shikuku: That being the case, Sir, what happens in a case where we have been rather delayed and there is something which we are going to—

The Chairman (Dr. De Souza): I am sorry. It is for the House to decide. I, in fact, put it to the House and the House voted against it.

Mr. Shikuku: So the Ministers have the money? The Ministers will have to pay for it. You cannot win all the time.

The Attorney-General (Mr. Njonjo):
..... (Inaudible).

Mr. Shikuku: On a point of order—

The Chairman (Dr. De Souza): We will overlook that, Mr. Shikuku.

Mr. Shikuku: But do you accept that Sir?
(*Subhead B13 agreed to*)

TRAINING INSTITUTIONS—OTHER CHARGES

Subhead E9—Equipment and Other Improvements to Conference Centre

(*Subhead E9 agreed to*)

(*Vote 1 agreed to*)

VOTE 5—POLICE

Subhead F—Replacement of Vehicles

(*Subhead F agreed to*)

Subhead V—Miscellaneous Other Charges

Mr. Kamau: On a point of order, Mr. Chairman, is it in order for the two gentlemen, the Attorney-General and the Chief Whip to exchange bad language in the House, both of them being hon. Members?

The Chairman (Dr. De Souza): Well, it is not in order for anybody to use unparliamentary language in this House, whoever he may be. If he does do so, I am sure he will withdraw now and be careful next time.

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Chairman, Sir, is the hon. Member right in giving you wrong information? Here we are in a friendly conversation; so, how can he say that?

(*Subhead V agreed to*)

(*Vote 5 agreed to*)

VOTE 6—MINISTRY OF FINANCE

Subhead A—Personal Emoluments

Mr. Shikuku: Mr. Chairman, Sir, I wish to draw your attention to page 5, under "S"—

The Chairman (Dr. De Souza): We have not come to that as yet.

Mr. Shikuku:—where this money has been set down. I think this is the gratuity for Ministers and I think the Ministers are covered under this. I would like to know how much each Minister received and why. You will have to explain this in future.

The Chairman (Dr. De Souza): It is now six o'clock and I will have to apply the guillotine.

I will now put the question of the Motion we have been discussing.

(*Question put and agreed to*)

The Chairman (Dr. De Souza): Mr. Balala, would you like to move the third Motion now?

SUPPLEMENTARY ESTIMATE NO. 1 OF 1968/69—DEVELOPMENT

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

THAT, a sum not exceeding K£1,482,819 be issued from the Consolidated Fund to meet expenditure during the year ending June 1969, in respect of Development Supplementary Estimate No. 1 of 1968/69.

The Chairman (Dr. De Souza): I will put the question right away.

(*Question proposed, put and agreed to*)

(*Resolutions to be reported without amendment*)

(*The House resumed*)

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

REPORTS

STATEMENT OF EXCESSES, 1965/66

Dr. De Souza: Mr. Speaker, Sir, I am directed by the Committee of Supply to report that the following Resolution has been approved without amendment, that a sum not exceeding K£108,164 10s. 05 cents be issued from the Consolidated Fund to meet expenditure during the year ending 30th June 1966, in respect of Statement of Excesses 1965/66.

The Assistant Minister for Finance (Mr. Balala): 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*)

SUPPLEMENTARY ESTIMATE NO. 2 OF 1968/69—
RECURRENT

Dr. De Souza: Mr. Speaker, Sir, I am directed by the Committee of the whole House to report its consideration of the Resolution and approval thereof without amendment, namely, that a sum not exceeding K£638,394 be issued from the Consolidated Fund to meet expenditure during the year ending 30th June 1969, in respect of Supplementary Estimate No. 2 of 1968/69 (Recurrent Expenditure).

The Assistant Minister for Finance (Mr. Balala): 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)

SUPPLEMENTARY ESTIMATE NO. 1 OF 1968/69—
DEVELOPMENT

Dr. De Souza: Mr. Speaker, Sir, I am directed by a Committee of the whole House to report its consideration of the following Resolution and its approval thereof without amendment, namely, that a sum not exceeding K£1,482,819 be issued from the Consolidated Fund to meet expenditure during the year ending 30th June 1969, in respect of Development Supplementary Estimate No. 1 of 1968/69.

The Assistant Minister for Finance (Mr. Balala): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Resolution.

The Minister for Education (Dr. Kiano) seconded.

(Question proposed)

(Question put and agreed to)

CHANGE IN THE ORDER OF BUSINESS

The Speaker (Mr. Slade): I think it would be more convenient, in view of the anticipated arrival of a distinguished visitor, if we changed the Order Paper, and with your agreement, Mr. Gichuru, leave over to the Committee of the whole House and move on to the conclusion of the debate on the Petroleum Duties (Amendment) Bill.

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

The Speaker (Mr. Slade): We will take that Order first then.

BILLS

Second Reading

THE PETROLEUM DUTIES (AMENDMENT) BILL

(Minister for Finance on 3rd June 1969)

(Resumption of debate interrupted on 3rd June 1969)

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

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I would like to say thank you very much to those who spoke on this particular Motion and I do not think I have anything to add to what I said yesterday.

Mr. Speaker, Sir, I beg to move.

(Question put and agreed to)

Mr. arap Biy: On a point of order, Mr. Speaker, when the Mover is called upon to reply and so many points were made during the course of the debate, does it really mean that he has nothing to say except that he begs to move?

The Speaker (Mr. Slade): No, Mr. arap Biy, there is no point of order there.

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

The Speaker (Mr. Slade): I think again, hon. Members, if convenient to the Attorney-General, we will move on to the next one, or if it suits the Minister for Finance we could move on to Order No. 9. The African Assurance and Provident Corporation Limited Bill. We will take Order No. 9, Mr. Clerk.

Second Reading

THE AFRICAN ASSURANCE AND PROVIDENT
CORPORATION LIMITED BILL

The Assistant Minister for Finance (Mr. Balala): Mr. Speaker, Sir, the African Assurance and Provident Corporation Limited was incorporated in Zambia, formerly Northern Rhodesia, in March 1953. It was registered in Kenya in May 1957 as a foreign company. At that time there was no special legislation in Kenya which could control the company's activities except in matters which fell under the Companies Act.

The African Assurance and Provident Corporation was, therefore, able to write life assurance business without hindrance until February 1960 when the Federal Authorities in Salisbury prohibited the company from writing further business, both in the Federation and in Kenya. The company is now in the course of liquidation under Zambian Law.

[The Assistant Minister for Finance]

To wind up the company's affairs in Kenya would have resulted in a substantial loss to policy-holders in Kenya. It has been estimated that the Kenya policy-holders would only have received Sh. 1 for every £1 of the premium they had paid. Such an event would have resulted in a serious setback to the life assurance movement in Kenya, and life assurance is a valuable channel for raising savings and promoting Kenya's own development. Besides, there would have been a social problem because the dependents and policy-holders would have lost protection due to no fault of theirs.

An interesting part of the situation, Mr. Speaker, was that most of the company's assets were held in Kenya whereas the liabilities were divided between Kenya and the Federation, and some claims were also made by people resident in South Africa. Thus, if no arrangements were made to retain Kenya assets for Kenya policy-holders, most of the funds would certainly have flowed out.

For all these reasons, shortly before the liquidation was put in hand in Zambia, the Kenya Government with the directors' consent, obtained possession of the company's assets in Kenya in order to hold them in trust for the Kenya policy-holders. Later on a new company was incorporated in Kenya under the same name, African Assurance and Provident Corporation Limited. Its share capital is £100 and the issued share capital is held by two nominees of the Government of Kenya in trust for the liquidation of the Zambian Company. This also enabled the Government to control the company's affairs and administration in Kenya.

An interim actuarial valuation of the company's portfolio suggests there would be a deficiency of not more than £25,000. This deficiency is the difference between the actual valuation of the contractual life assurance liabilities to be taken over by the new company and the value of the Kenya assets held by the Government. The House is aware I think, Sir, that it has already approved in the 1968/69 Development Estimates, Vote 25, a sum of £25,000 for the purpose of covering the deficiency. The Bill provides that the funds so given by the Government will be invested in Government Stock thus there would be no cash loss to the Government.

Once the new company was established and assets safeguarded for the Kenya policy-holders, the question of day-to-day administration of the company arose. In the initial period the Government nominees continued to manage the com-

pany. However, on long term basis it was considered the administration should be passed to the Kenya National Assurance Company Limited, in which, as the hon. Members know, the Government has a controlling interest.

With this in view the Government has signed an agreement with the Kenya National Assurance Company to enable it to take over the management of the company. Basically, the Bill aims at transferring the assets and liabilities of the Zambian Company in Kenya to the new Kenya company, and then pass on the share holding to the Kenya National Assurance Company Limited. The Bill also enables the Government to find the deficiency and indemnify the new company against likely liabilities and costs.

Finally, I would like to say that the whole matter has been very complex legally and I thank the Kenya National Assurance Company Limited for undertaking the ownership and administration of the African Assurance and Provident Corporation Limited.

Mr. Speaker, Sir, I beg to move.

The Minister for Finance (Mr. Gichuru) seconded.

(Question proposed)

Mr. Bala: Thank you very much, Mr. Speaker, for giving me this opportunity to say a few words about this corporation.

Mr. Speaker, we understand from the Assistant Minister that the people who insured their lives are to receive only Sh. 1 per £1. Mr. Speaker, what the Assistant Minister has not told us is how much of the investment of this corporation in Kenya, how much money have they invested in Kenya which cannot be taken over by the Government in order to pay these policy-holders. Also, Mr. Speaker, he has not told us about the assets owned by these people. How much money have they invested in buildings? How many people have received loans from them in this country? We would then know exactly the amount of money which has been paid by the policy-holders, and the amount of money which they have invested in Kenya—

The Attorney-General (Mr. Njonjo): Selling money.

Mr. Bala: The Attorney-General is saying "selling money", but I did not say this, and I think it is time the Attorney-General listened to me carefully. I am his employer and as such I am entitled to be treated properly.

[Mr. Bala]

Mr. Speaker, Sir, the Assistant Minister would have done a good job if he had told us the exact position of this corporation because, Mr. Speaker, we are not going to approve the Bill in darkness. We should know if we can get away with some of the money which these people invested in Kenya so that our people do not suffer unnecessarily.

Mr. Speaker, with these few remarks I reserve my position.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I would like to stand to support the Bill. The issue was discussed here some time ago. If the Government had not stepped in the policy-holders would definitely have lost money and the Assistant Minister did say that we had, as a Government, to close the gap to ensure that our people did not lose £25,000. What we are trying to do to save the position is to get our own assurance company to take them over. There was some resistance at the beginning and we have managed to negotiate, and my hon. friend, Okelo-Odongo, knows all about this and so he ought to support me. We were only trying to help. This is a real operation to assist these people not to lose their money and that is all it means and all we want. Over 90 per cent of the holders of these policies are Africans and we felt—just as we did with Kenatco—that a lot of poor fellows were deceived into an organization by some other fellows. Some of these fellows I know very well, and whatever they have touched with their fingers has gone rotten. I said, “You give this organization six months; if it survives, well and good, it will carry on.” It did not survive six months because the fellows running it were dishonest. I am not ashamed to say that because if I am called to a court of law I could name a few of them.

We are talking about the African Assurance and Provident Corporation Limited Bill; we did not want to change this name although this name was initiated in Salisbury. We did not want to delete it. We want this group to get into our own national assurance company as a group until all the matters are rectified and there are no problems to arise. This is a helpful operation; all we are trying to do is to help these people. We want to legalize it so that they do not lose their money; so that people, in future, who want to assure with our national assurance company will have confidence, which is important.

An hon. Member: What about the losses?

The Minister for Finance (Mr. Gichuru): The present losses, we are going to see how much we can help.

An hon. Member: Who are the directors?

The Minister for Finance (Mr. Gichuru): You and I as Members of this Assembly.

Mr. Speaker, Sir, I think this is the gist of the whole thing, that all we are trying to do as a Government is to help these people so that they do not lose their money—our own people.

An hon. Member: Who are they?

The Minister for Finance (Mr. Gichuru): Many of them like you and me.

The Assistant Minister for Finance (Mr. Balala): And the Government representatives.

The Minister for Finance (Mr. Gichuru): And the Government representatives, yes.

Mr. Speaker, Sir, I beg to support.

Mr. Mwithaga: Mr. Speaker, Sir, this Bill is very welcome in that in one aspect it is a big blow to Ian Smith and his régime in the south, and an encouragement of the Government's policy of services for the welfare of society and safeguarding such welfare is, indeed, very vital. In fact, this is the second time—The Attorney-General does not have to tell me to read there because I have got specs and can see the words “for the welfare of society and the just government of men.”

Mr. Speaker, Sir, this is the second time the Government has come out in the open to try and safeguard the interests of the people because some hands have been very awkward and very cheeky, fraudulent hands, which have been trying to misuse the intelligence of our masses. At this time, Mr. Speaker, Sir, our people are going to lose money after investing it and depositing it somewhere in the hopes that their futures are secure. Therefore, I am sure those who have taken out their policy with this assurance company, will feel very grateful to the Government and will feel confident and that they have nothing to fear because they are safeguarded.

The only thing, Mr. Speaker, Sir, we have to guard against is the merger between the Kenya Assurance Company and the African Assurance Company, which is obviously anticipated. This assurance company is going to remain a wholly-owned subsidiary of the Kenya Assurance Company until some time in the future, because both of them at the moment are entities, and since they are entities, we have to formulate the method which will make them merge in the way that will suit the people who have taken out policies with this assurance company. I know this is not too technical for the Treasury because they are

[Mr. Mwithaga]

very well versed in this, but they have to be very careful in the manner in which they handle it so that the Kenya Assurance Company which, I think, is the Government, or something like that, takes over this assurance company and absorbs the policies involved for the betterment of the people.

**WELCOME TO HIS EXCELLENCY THE
PRIME MINISTER OF SWAZILAND**

(Hon. Members rose in their places while His Excellency the Prime Minister took his seat in the Speaker's Box)

The Speaker (Mr. Slade): Order! Hon. Members we are honoured by the presence in the Speaker's Box of a Distinguished Visitor, the Prime Minister of Swaziland, Prince Makhosini Dlamini, and his distinguished company.

On behalf of all hon. Members I assure our distinguished visitors of a warm welcome to our country and to this Assembly.

The debate will continue until the interruption of business.

(Resumption of debate on Second Reading of Bill)

Mr. Mwithaga: Mr. Speaker, Sir, I think the Minister for Finance wanted me to sit down.

Mr. Speaker, Sir, I was just about to finish by saying that the documents to be issued by this assurance company may be difficult to be understood when there is a merger and this is what I was telling the Government to try and guarantee against. We should try and use mostly the Kenya National Assurance Company in order that it may become more common with the policy holders, rather than the African Assurance Company, to make it easy for people to understand that merger when it comes about.

With those few observations, Mr. Speaker, Sir, I beg to support the Bill.

Mr. Okelo-Odongo: Mr. Speaker, Sir, the Minister did say that I knew all about this, I knew something about it, not all about it. There was a bad aspect which I knew about, namely that I think there was somebody who was working for this company who had run away with the money to Salisbury. The Kenya Government was then in a fix because they did not know what to do because they could not approach Mr. Smith down there and get the money back.

Mr. Speaker, the point is whether our Government has learnt anything from this, because there

are many companies now functioning in Kenya which are more or less in the same status as this company was in, and are still enlisting the patronage of our people. Whether they are, assurance companies or not, there are still many foreign companies which are functioning in Nairobi. What I do not know is whether the Government has learnt anything from this one, and whether it has taken precautions so that this kind of thing is not repeated. This is the main point. Of course, the taxpayer is now being asked to pay money from his pocket to a company to assist people who have bought life assurance and so forth from this company where the manager went away with the money to another country. This kind of thing cannot be repeated.

What I would like to know from my friend the Minister for Finance is whether he has taken precautions so that it will never be repeated again.

The Speaker (Mr. Slade): Mr. Gichuru, you have already spoken in the debate have you not?

The Attorney-General (Mr. Njonjo): Mr. Speaker, obviously the hon. Member is speaking from inside information. As the hon. Minister for Finance has just told us, when this company was getting into trouble the hon. Member opposite was, in fact, an Assistant Minister in the Ministry of Finance, and Chairman of this Kenya Assurance Company that we are talking about.

Mr. Speaker, I want to commend this Bill to the hon. Members because it is a salvage operation. This is not the first time that the Government has come to the assistance of our people when companies get into trouble. We have done that with Kenatco and Kenatco is now doing a profitable job. The trouble about this company is that if the Government, and indeed this House, does not support this Bill, the people who are going to lose are our own people because 95 per cent of policy-holders in this company are Africans. I am satisfied because I did the registration of this company. I strongly ask the hon. Member to support this Bill so that our fellow Africans can get some proceeds because otherwise, if this company were to go into liquidation—as it is now in Zambia—then the African policy-holders in this country will possibly, if they are lucky, get 50 cents or Sh. 1 in the pound. What percentage is that, Mr. Speaker, as against the amount of money that these people invested in this company by way of buying shares?

Mr. Speaker, the matter is clearly set out in the Memorandum of Objects and Reasons of the Bill and I am sure if the hon. Members read this

[The Attorney-General]

carefully, they will see that, in effect, the whole Bill is to try and help our fellow Africans who are policy-holders so that this company can form part of the other assurance company which is being run by the Government.

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

ADJOURNMENT

The Speaker (Mr. Slade): It is time now for the adjournment of the House and so the House is now adjourned until tomorrow, Thursday, 5th June 1969, at 2.30 p.m.

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

Thursday, 5th June 1969

The House met at thirty minutes past Two o'clock

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 150

SHORTAGE OF MEAT

Mr. Karungaru asked the Minister for Agriculture, if he would tell the House what immediate measures the Ministry had undertaken to alleviate the present shortage of meat supply to all local butchers in order to discourage the black marketing of meat; and what plans the Ministry had to prevent future shortages of meat supply.

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

There is no shortage of meat at the present time; in fact, the situation is quite the reverse. On the supply side, the Kenya Meat Commission is in a period of high cattle intake which should last for the next three to four months.

On the demand side, there is more than adequate quantities of meat on offer to the local butchers. A lot of the butchers have not even taken all the meat on offer by the Kenya Meat Commission over the last few weeks.

Mr. Speaker, Sir, there are two ways of tackling the problem of possible meat shortages in the future. In the short term, we must streamline the marketing arrangements for livestock, so that all beef animals suitable for slaughter and sale find their way to the consumers. For example, my Ministry has now considerably improved and strengthened its Livestock Marketing Division to facilitate its operation in the North-Eastern Province, Eastern and other areas, which have been difficult to reach in the past. In addition, Sir, to this the Kenya Meat Commission is improving its marketing and buying operations. In the long term, however, only increased productivity and assistance in our beef producing areas is going to give us the supplies of meat necessary to meet future demands.

Over the years since independence, our growing Kenya population, rising incomes, changes in status, and growing export business, have put great pressure on our local producers to provide more and more beef.

Mr. Mwalwa: On a point of order, Mr. Speaker, Sir, in view of the long reply that the Assistant

Minister is trying to give to the House, would it not be better for him to give this as a written reply?

The Speaker (Mr. Slade): I have on many previous occasions advised Ministries to give a written reply if they think the reply must be very long, but it is at their discretion and as we have it now, we should hear it to the end.

Mr. Murgor: Mr. Speaker, Sir, I was just going to finish it.

It has become apparent, Sir, that unless increased investment in the form of higher prices to producers is put into our beef production areas, Kenya will begin to run into an increasing severe shortage of beef in the early 1970's. In short Sir, Kenya has to speed up transitions from its feeling of one where range animals were collected from the range areas, to one in which animals bred and fed specially for meat production are utilized.

Mr. Karungaru: Mr. Speaker, Sir, arising from that boring reply, would the Assistant Minister deny or reject that two months' ago Nairobi had a shortage of meat, and that is why I was asking this question, because we are afraid of getting our meat from outside the city?

Mr. Murgor: Mr. Speaker, there may have been a shortage a few months ago, but I stress here that we are doing our best. Most of the cattle that could not, in the past, come to the town, now, because of our improvements in the north and the north-east, are now coming.

Mr. Chirchir: Mr. Speaker, Sir, is the Assistant Minister aware that this commission is making a monopoly especially to prevent people from places like the Eastern Province from selling their meat in Nairobi and so they have to go out?

Mr. Murgor: Mr. Speaker, Sir, the monopoly to the Kenya Meat Commission was given in this House.

Mr. Omweri: Mr. Speaker, Sir, since we have listened to a denial that there is any shortage of meat supply and at one stage the Assistant Minister said that on the demand side there is an increase of demand and, therefore, local supplies have to meet this demand, would the Assistant Minister give an account for why there is also an increase in the price of meat?

Mr. Murgor: Mr. Speaker, Sir, we have said that we are going, as a Government, to try and increase the price to benefit the farmers.

Mr. Ngala-Abok: Mr. Speaker, Sir, is the Assistant Minister and the Ministry aware of the very strong rumour going on that the Ministry put a quarantine on all African cattle coming to

[Mr. Ngala-Abok]

Athi River, and that the beef that we get there is all of European origin, and therefore the African trade has now been put to an end without a proper reason?

Mr. Murgor: Mr. Speaker, Sir, I refute that allegation. My Ministry and the Government does not work on rumours; we have never worked on rumours. There is only one thing, Mr. Speaker, if producers move their stock on instructions given by the field staff of my Ministry there will be no quarrel in their areas. The only solution to stamp out foot-and-mouth disease is for the producers not to move their cattle from place to place.

Mr. Wood: Mr. Speaker, arising from the answer, would the Minister agree with me that at the rate at which we are going now there will be a shortage of meat in 1970?

Mr. Murgor: Mr. Speaker, Sir, about 907,000 head of cattle were consumed in Kenya during 1968; we will need another 200,000 head by 1975 to meet the growing demand. Mr. Speaker, Sir, as we improve our areas of production and improve the water supplies in various places, this demand in 1970's will be met.

The Speaker (Mr. Slade): Next question.

Question No. 134

MATERNITY BEDS SHORTAGE, MASAKU PROVINCIAL HOSPITAL

Mr. Nthula asked the Minister for Health if he would tell the House what were the causes of the delay in building a maternity house in Masaku Provincial Hospital; was he aware that in the small hospital two women were sleeping in one bed; was he satisfied that the diet used there was sufficient in quantity; and what plans had the Ministry to modernize the laundry there.

The Assistant Minister for Tourism and Wildlife (Mr. ole Tipis): Mr. Speaker, Sir, on behalf of the Minister for Health, I beg to reply as follows.

Arrangements are under way for building a maternity unit at Machakos Hospital and as soon as all the necessary plans have been finalized, construction will start.

The Ministry does not and will not encourage the idea of two mothers sharing one bed. It is understood, however, that at one time there was brought a very serious case at night and, because there was no extra bed, two mothers who were not all that serious, were asked to share one bed

for the night in order to give room for the mother. That was inevitable if the lives of that mother and baby were to be saved. However, this is not the normal procedure.

The answer to part (c) is "Yes, Sir". The Ministry is satisfied that the diet used in that hospital is sufficient in quantity.

The Ministry intends to modernize the laundry depending on the availability of funds.

Mr. Nthula: Mr. Speaker, Sir, could the Assistant Minister tell us, because he tried to evade the question, why this has been delayed because it is known that this hospital has been there since 1920 up to this moment? Why is there the delay in supplying the provincial hospital with a maternity unit in the Eastern Province? Could he tell us the reason why.

Mr. ole Tipis: The reason why, Mr. Speaker, is the shortage of funds. The Government has recognized the urgent need for the extensions of this maternity unit and, as such it has, even now, made provision in its recurrent expenditure for £50,000 in 1969/70.

Mr. Nthula: Arising from the answer, Mr. Speaker, could the Assistant Minister tell the House why, in a small cottage, a small hostel of the county council, this has been granted to the Wakamba people, and it is known to the Ministry that this hospital is the provincial hospital for Eastern Province? Could he tell us why the Ministry has delayed the building of the maternity unit since we were granted that by the county council, and a small hostel—not hospital—is there? Where is the money which was granted to the Machakos Hospital?

Mr. Ondiek-Chillo: Where did you take the money?

Mr. ole Tipis: Mr. Speaker, Sir, I think I have answered the hon. Member's question earlier on. What he has failed to mention here is the contribution by the Machakos County Council, and I would like to inform him that the project value will be approximately £245,000, and the Government has already taken steps to try and find this money for this particular purpose.

The Speaker (Mr. Slade): Next question.

Question No. 138

TARMACKING ELDORET-TORORO ROAD

Mr. Barasa asked the Minister for Works if he would consider tarmacking a road branching from the Eldoret-Tororo main road to Bungoma District Headquarters which was only a mile away.

The Assistant Minister for Works (Mr. Bomett): Mr. Speaker, Sir, I beg to reply. The road from Mumias to Bungoma is one of the roads which has been included in the feeder-roads programme for which it is hoped that money will be available from the World Bank for Reconstruction to gravel standard. Subject to the loan negotiation being successful, it is hoped that it may be possible to start the reconstruction of this road towards the latter part of 1969/70 financial year.

Although it is proposed to reconstruct the Mumias/Bungoma Road to gravel standard, the Government agrees that the portion of this road linking Bungoma Township with the main Eldoret-Tororo Road carries a higher density of traffic than that carried by the rest of the road. The Government will, therefore, look—

Mr. Barasa: On a point of order, this answer is not relevant to my question. I am not concerned with Mumias at all, I am concerned with the road from Tororo to—

The Speaker (Mr. Slade): That is not a point of order, Mr. Barasa. Wait until you have heard the whole answer, and then ask a supplementary which brings in the other points.

You had not finished, I think, Mr. Bomett?

The Assistant Minister for Works (Mr. Bomett): I have not finished, Sir. The Government will, therefore, look into the possibility of reconstructing the link from Bungoma to the main road to bitumen standard, subject to funds being available.

I was answering his question.

Mr. Barasa: Mr. Speaker, arising from the Assistant Minister's reply, my question referred to a road which is just one mile from the main Tororo/Eldoret Road; it is just a branch coming to Bungoma, and is only a mile away from the main road. Would the Assistant Minister tell me when this road will be under construction?

Mr. Bomett: Mr. Speaker, Sir, I did answer that question. If the hon. Member had been patient and listened, he would have heard me say that the Government actually anticipates doing what he is asking as soon as funds are available.

The Speaker (Mr. Slade): That is quite correct. The question of the Eldoret/Tororo Road was answered only a day or two ago. This question only refers to a branch which you yourself describe as being one mile long, Mr. Barasa.

Mr. Khaoya: Mr. Speaker, arising from the reply by the Assistant Minister, does he not realize that when you come from Uganda on the tarmac road and enter Kenya, Bungoma is the immediate administrative centre which represents Kenya on

this side of the boundary, and therefore there is a big need to make a show piece of it, to show everyone coming from Uganda that this is Kenya?

Mr. Bomett: We are speaking the same language.

Question No. 129

BUILDING OF DEPARTMENT OF FISHERIES OFFICE, LAMU

Mr. Abubakar-Madhbuti asked the Minister for Works to state—

- (a) what was the name of the contractor who had built the offices for the Department of Fisheries in Lamu;
- (b) what was the cost of building those offices.

The Assistant Minister for Works (Mr. Bomett): Mr. Speaker, Sir, I beg to reply. (a) The name of the contractor was Messrs. Mavji Construction Company of Malindi.

(b) The cost of the building was Sh. 215,320 made up as follows:—

| | Sh. |
|---|----------------|
| (i) Building contract with Messrs. Mavji Construction Company | 194,720 |
| (ii) Electrical installation and Ministry of Works Overheads .. | 20,600 |
| TOTAL | 215,320 |

Mr. Abubakar-Madhbuti: Mr. Speaker, Sir, arising from that answer, as we know the policy of the Government is to encourage Africans in all spheres of development in this country, why did the Ministry see fit to give the contract to Mavji instead of to an African?

An hon. Member: Tell us, that is serious.

Mr. Bomett: Mr. Speaker, Sir, it is the policy of my Ministry to give contracts to Africans, but in this particular case, the contract was advertised, and the contractors who applied were Haramjam Singh, Mulji Devja Brothers, Vimaram Mulji, Mavji Construction Company, Maram Mavji, and the Coast Building Works. All of them were Asian companies.

Mr. Wario: Mr. Speaker, Sir, since the Minister has said that it is the policy of the Government to give priority to African contractors for construction, will he tell me when, at any time, the Ministry has given contracts to Africans, either for road building or other building with which the Ministry is connected?

The Speaker (Mr. Slade): That is getting too far away from this question, I am afraid.

NOTICE OF MOTION FOR THE ADJOURNMENT

MATTER OF REPLY TO QUESTION NO. 129:
BUILDING OF DEPARTMENT OF FISHERIES OFFICE,
LAMU

Mr. Ngala-Abok: On a point of order, Sir, in view of the fact that I know quite a lot about these contractors, and a lot of Africans who are sub-contractors and who are doing very well in many parts of Kenya, I would like to raise this matter on the Adjournment.

The Speaker (Mr. Slade): Any objection, Mr. Madhbuti?

Mr. Abubakar-Madhbuti: With pleasure, Sir.

Question No. 152

UNEMPLOYMENT INSURANCE SCHEME

Mr. Karungaru asked the Minister for Labour to state, in view of the fact that many of our citizens were victims of distress, destitution and old age as a result of unemployment and landlessness, when would the Government consider establishing an unemployment insurance scheme for those people.

The Assistant Minister for Labour (Mr. Kubai): Mr. Speaker, Sir, I beg to give the following reply. As the hon. Members will recall, the Sessional Paper No. 12 of 1963/65 explained the Government's policy on the development of Social Security. The National Social Security Fund Act of 1965, which was enacted by this House, derived its spirit from that document.

The National Social Security Fund Act already provides for payment of old age benefits to contributors who retire from employment on account of old age, whereas the Workmen's Compensation Act provides benefits for workers who are incapacitated during the course of and as a result of their work. The two Acts have provisions for the survivors' benefit in cases where workers may be totally incapacitated.

Any Social Security Scheme covering unemployment benefit must, first of all, ensure that the persons to benefit from it make contributions to the scheme in anticipation of the unfortunate eventuality, just as a person who takes out an insurance policy pays premiums to cover the risk.

As the Government Social Security Fund Scheme has been in existence for just over three years, it has not been possible for it to expand and provide social security of the nature envisaged by the hon. Member. However, as a Social Security Scheme has already been established, it is hoped that, gradually, the scope of the scheme

will expand to cover other contingencies of social insecurity which it does not provide for at the present time.

Mr. Karungaru: Arising from that reply, and in view of the fact that in this country we have people who are self-employed, and also people who sometimes lose their jobs—and it takes them a long while to find new jobs—would the Minister consider making provision for these people so that when they are out of employment they are able to benefit by receiving money from the already-established body, as he has indicated, and in that way these people do not become destitutes or the victims of distress?

Mr. Kubai: Mr. Speaker, Sir, as I have said, when the present National Social Security Fund becomes a success, it is hoped that it will cover other forms of insecurity envisaged by the hon. Member.

Mr. Oduya: Mr. Speaker, Sir, in view of the fact that many times we are told that Kenya is an example in Africa as a whole, that it is doing very well, the economy is booming, is it not time that the Kenya Government should establish the scheme in question, that is an unemployment insurance scheme, by which most of our boys and girls who at the moment are still looking for and cannot find jobs through no fault of their own, in order that they can be looked after by the Government by at least being provided with some bread? Is it not time, because the economy is booming? That is the question.

Mr. Kubai: Mr. Speaker, Sir, all this means money. As I have said, at present, the National Social Security Fund is swelling to over £14 million, and it is this money we hope will cover—

Hon. Members: When?

Mr. Kubai: As we grow old, it will cover our insecurity.

Hon. Members: For how many years?

NOTICE OF MOTION FOR THE ADJOURNMENT

MATTER OF REPLY TO QUESTION NO. 152:
UNEMPLOYMENT INSURANCE SCHEME

Mr. Oduya: On a point of order, Mr. Speaker, if my hon. friend has no objection, this is a very important question and I am contemplating raising it on the Adjournment, if I am allowed to do so.

The Speaker (Mr. Slade): Do you agree, Mr. Karungaru?

Mr. Karungaru: With due respect to the hon. Member, I have no objection, Mr. Speaker.

*Question No. 137*SETTLEMENT OF LANDLESS EX-SQUATTERS,
BUNGOMA

Mr. Barasa asked the Minister for Lands and Settlement to state—

- (a) how many landless ex-squatters had been registered for future land settlement in Bungoma District;
- (b) how many more farms had been set aside for settlement in Trans Nzoia.

The Assistant Minister for Lands and Settlement (Mr. Malinda): Mr. Speaker, Sir, I beg to give the following reply.

- (a) There are 324 squatters registered in Bungoma District for future settlement.
- (b) At present, there are no farms set aside for settlement in Trans Nzoia.

Mr. Barasa: Mr. Speaker, Sir, arising from that answer that there is no place for the landless ex-squatters, what is the Minister trying to plan now if there are no farms in Trans Nzoia? Where will he try to put these landless people, the ex-squatters?

An hon. Member: In the lake.

Mr. Malinda: I did not say that there were no farms. What I said was that no farms have been set aside for settlement of these registered squatters. This will depend on the availability of funds and when these are available we will look around for farms. There are quite a number of farms around Trans Nzoia and these can be purchased if the funds are available.

Mr. Lorimo: Mr. Speaker, Sir, arising from what the Minister has said, is the Minister aware that the Trans Nzoia was occupied by the people of Pokot before the European came to this country, and several commissions have been held in Kenya concerning the Trans Nzoia, and in view of the fact that my hon. friend, Mr. Barasa, is asking for Abaluhya to come to Trans Nzoia, is he trying to tell the people of Pokot that they should fight? Will the Minister tell the House that no land within Trans Nzoia will be given to the Abaluhya but the land will be given to Pokot? Otherwise, Sir—

The Speaker (Mr. Slade): Order! You have asked your question Mr. Lorimo.

Mr. Malinda: Mr. Speaker, Sir, the Kenya Government does not encourage tribalism or tribal frictions.

Mr. Godia: Will the Minister tell the House, whether the Government will do something to acquire some of the farms in Trans Nzoia which are needed for settlement?

Mr. Malinda: Mr. Speaker, Sir, I said that I cannot give such an undertaking because we have no—

Mr. Lorimo: On a point of order, Mr. Speaker, what shall I do when a question of this kind comes in when a Member of this House is interested—for I want to enlighten the House as to how the Trans Nzoia used to be—the Trans Nzoia, Mr. Speaker, Sir, belongs to the Pokot people.

The Speaker (Mr. Slade): Order! What is your point of order.

There is no point of order that I can see.

Mr. Malinda: I was saying that with regard to the question asked by the hon. Member I cannot give that undertaking because I do not have the money.

Mr. Lorimo: On a point of order, Mr. Speaker—

The Speaker (Mr. Slade): No more points of order Mr. Lorimo. Will you sit down.

*Question No. 107*TRANSPORT OF BODIES OF DEAD STUDENTS FROM
ABROAD

Mr. Ondiek-Chillo asked the Minister for Education if he would tell the House, since the death rate of Kenya students abroad was not very high, why the Government could not take the responsibility of bringing back the body of any Government-sponsored student who might die abroad.

The Minister for Education (Dr. Kiano): Mr. Speaker, Sir, I beg to reply. In the first place, it is very difficult to budget for this, since we will never be able to know how many persons may die in a given year.

Secondly, it is because dead bodies are charged much more money than a living person in transport and, thirdly, we have no such provisions for such exigencies.

Mr. Ondiek-Chillo: Arising from that answer, and according to the experience we have had, not many of these students die abroad. Would it not be possible for the Minister to make any provision in the Estimates of about Sh. 100,000 for any student who might die abroad? A Government-sponsored student should have his body brought back, rather than leave him to be buried there when, traditionally, his parents would like to see him before he is buried.

Dr. Kiano: Mr. Speaker, Sir, the figure that the hon. Member has given Sh. 100,000 may or may not be adequate, and as I say, sometimes, we

[Dr. Kiano]

have to ask ourselves which would be the better way of spending our money whether on the living and destitute people or one who has died.

Question No. 128

PHOTOGRAPHS OF THE PRESIDENT WITH CAP

Mr. Obok asked the Minister for Information and Broadcasting if he would tell the House whether, in view of the recent statement by the Assistant Minister for Information and Broadcasting, hon. J. Onamu M.P., to the effect that in future the President's photograph wherein he wears a cap should not be allowed to appear or displayed anywhere, that represented Government policy.

If so what would happen to the numerous colourful photographs of the President which had been distributed, not only locally but also overseas, and to his Excellency's statue which now stood outside Parliament Buildings.

The Assistant Minister for Information and Broadcasting (Mr. Onamu): Mr. Speaker, I beg to reply. I would not call the directive of the Government to withdraw the photograph of the President portraying him wearing a cap a matter of policy. Rather, I would call it Government's desire, I would also like to emphasize the importance of the cap in that picture because it is not so much the cap but that that particular version of the President's picture has a technical defect which is the cause for its withdrawal.

In reply to the second question of the hon. Member, I would say that there is no intention by the Government to destroy the statue of the President standing outside Parliament Buildings, because there appears to be nothing wrong with the statue.

Regarding numerous colourful photographs of the President already distributed locally and overseas, we can only hope that they will gradually disappear from use, partly by replacement with better portraits of the President in black and white and partly by co-operation from the local people to obey Government's directive for withdrawal of those photographs from public display.

Mr. Obok: Arising from the hon. Assistant Minister's reply, the Assistant Minister told us in his reply that there is a technical defect which is causing this withdrawal. I wonder what technical defect it is that was not noticed at that time of production of this photograph? Would he tell the House what the defect is?

Mr. Onamu: Mr. Speaker, Sir, it was noticed later and we have decided to withdraw it.

Mr. Obok: On a point of order, Mr. Speaker, Sir, could he repeat his reply for I missed it?

Mr. Onamu: Mr. Speaker, Sir, I said that this was noticed later and we had decided to withdraw the photograph.

Question No. 151

CASES OF CORRUPTION IN CIVIL SERVICE

Mr. Karungaru asked the Attorney-General if he could tell the House—

(a) how many cases of corruption by the public civil servants took place in the Republic during 1967/68 and the first quarter of 1969; and

(b) whether these cases were increasing or decreasing.

The Attorney-General (Mr. C. Njonjo): Mr. Speaker, Sir, I beg to reply. In 1967, we had 11 cases which were taken to court and the people concerned were prosecuted and convicted. In 1968, there were 13 cases, and I will offer gratuitously that in the first half of this year there have been seven cases.

Mr. Karungaru: Mr. Speaker, Sir, since the Attorney-General has told this House that there were 11 cases in 1967—

Mr. C. Njonjo: Did you call me?

..... (Inaudible.)

Mr. Karungaru: No, Attorney-General.

Mr. C. Njonjo: Repeat your question.

Mr. Karungaru: Mr. Speaker, Sir, I am not provoking the Attorney-General because I have no courage.

Since there were 11 cases in 1967, and seven cases this year, is the Attorney-General satisfied that there is some improvement in this particular case?

Mr. C. Njonjo: We are now in June Mr. Speaker, Sir, and as I have said, we have had seven cases, but I might tell the hon. Member that these figures cannot indicate to one whether there is going to be a sudden increase or whether there is going to be a decrease. I am hopeful that the figure will decrease, if we have the co-operation of the public in these cases. One might argue, for instance, that there are so many children born today, but I might also tell the hon. Member that there are just as many people who are dead today, and so the figures cancel each other.

Mr. Munyasia: Mr. Speaker, Sir, according to my calculation, it appears since 1967 to the present date, the total figure of the cases heard was 33. May we know out of these 33 how many were acquitted and how many out of the 33 were convicted?

Mr. C. Njonjo: Mr. Speaker, Sir, I do not have those figures available, but if the hon. Member is interested, I can, of course, do some research, but I do not know how it helps in this matter because these cases are reported in the daily papers where you may have seen some yesterday and I assure you that tomorrow you will see one where somebody was caught this afternoon, and so on and so forth.

I think that the House must agree that the only way we can eradicate corruption in this country or indeed, in any other country is by the public reporting immediately somebody trying to offer a bribe, or the person to whom the bribe is being offered also reporting this matter, because it cuts both ways and it is punishable both against the person who offers the bribe and the person who receives the bribe.

The Speaker (Mr. Slade): I think the cases you informed us of were all cases of convictions.

Mr. Tsalwa: Mr. Speaker, Sir, taking into account that the total number of these people who are found corrupt comes to 48—

An hon. Member: No!

Mr. Tsalwa: Well, 11, 30 and seven.

An hon. Member: 30.

Mr. Tsalwa: All right, 30. No, I think the House would like to know the tribal breakdown of these people.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I have had occasion previously in this House to say that criminals do not belong to any tribe.

An hon. Member: No!

The Attorney-General (Mr. Njonjo): Yes. When they are being brought to court, they are not being brought to court because they belong to a particular tribe, but because they have committed a specific offence.

The Speaker (Mr. Slade): We will go back to Mr. Omari's first question.

Question No. 158

OPENING OF BRANCHES OF THE CENTRAL BANK

Mr. Mwamzandi, on behalf of Mr. Omar, asked the Minister for Finance if he would tell the House when the Central Bank of Kenya would open branches in the following townships, Mombasa, Nakuru, Kisumu and Thika.

The Assistant Minister for Finance (Mr. Balala): Mr. Speaker, Sir, I beg to reply. The Central Bank of Kenya is planning to open a branch in Mombasa and land has already been acquired

for that purpose. It is also considering opening a branch in Kisumu. No branches are planned for Nakuru and Thika yet. I would inform the hon. Member that the Central Bank needs to open branches only in those places where the convenience and business of currency issue and redemption justify their opening.

Mr. Mwamzandi: Mr. Speaker, Sir, arising from the Assistant Minister's reply and appreciating what he has told this House, because Mombasa is included, will he tell this House how soon this bank will start operating in Mombasa, in particular?

Mr. Balala: Mr. Speaker, Sir, as I have just said the site has already been acquired and arrangements are in hand but no funds have yet been found.

The Speaker (Mr. Slade): We now go back to Mr. Omar's second question.

Question No. 156

MOMBASA TAXIS CARRYING PASSENGERS OUTSIDE TOWN

Mr. Mwamzandi, on behalf of Mr. Omar, asked the Minister for Local Government if he would tell the House why licensed taxi drivers of Mombasa District were being prosecuted when found outside Mombasa District carrying passengers.

The Assistant Minister for Local Government (Mr. Munoko): Mr. Speaker, Sir, I beg to reply. The Mombasa Municipality is the licensing authority for all taxi drivers within its jurisdiction of Mombasa District and such licences are only operative within the said area.

If the taxi drivers wish to operate outside the Mombasa Municipality they must, in addition, acquire licences from the outlying local authorities. Failure to do so leads to them being prosecuted.

Mr. Mwamzandi: Mr. Speaker, Sir, arising from the Assistant Minister's reply and taking into consideration the necessity of some taxi drivers having to take Mombasa people from their local areas, will the Assistant Minister not take into consideration that these sorts of regulations have not operated for a long time, even during the colonial days. Will the Assistant Minister consider denouncing these regulations and giving the taxi drivers a further chance before these regulations come into effect?

Mr. Munoko: Mr. Speaker, Sir, if these people are being prosecuted, then it is under the by-laws which the Municipal Council of Mombasa passed a very long time ago.

Mr. Mbogoh: Arising from that reply, Mr. Speaker, will the Assistant Minister tell this House, in general, whether it is an offence for that matter—if you hire a taxi from Nairobi to Thika—and therefore those taxi drivers will be prosecuted because someone hires their taxis to take them out of Mombasa to another place?

Mr. Munoko: Mr. Speaker, Sir, as regards the question about taxicabs, if anybody wants to go outside of the Municipality of Mombasa—or Nairobi for that matter—then he has to take a private hire vehicle such as Kenatco or Eboos.

Mr. Mwamzandi: On a point of order, Mr. Speaker, I am seeking your guidance, when we referred to taxis, according to what the Assistant Minister has said, is it not generally thought that even Kenatco taxis are regarded as taxis?

The Speaker (Mr. Slade): I do not think it is a point of order really, but obviously the Assistant Minister took the question referring to taxis licensed for public hire.

Let us go on.

Question No. 115

MAINTENANCE OF MAZERAS-KALOLENI ROAD

Mr. Mwatsama asked the Minister for Works to tell the House whether he was aware of the bad road between Mazeras and Kaloleni and if so, who was responsible for its maintenance.

The Assistant Minister for Works (Mr. Bomett): Mr. Speaker, Sir, I beg to reply. Mr. Speaker, Sir, the answer to (a) is yes. The answer to (b) is that my Ministry is not responsible; it is the responsibility of the Kilifi County Council.

The Speaker (Mr. Slade): Next question. Mr. Mwatsama, your next question.

Question No. 145

CITIZENSHIP OF CLERICAL STAFF, STANDARD LTD., MOMBASA

Mr. Mwatsama asked the Minister for Labour if he would tell the House—

(a) how many African and Asian clerical staff were employed in Messrs. Standard (Africa) Limited, Mombasa; and

(b) how many of these were Kenyan citizens.

The Assistant Minister for Labour (Mr. Kubai): Mr. Speaker, Sir, I beg to reply. There are 22 African and Asian clerical staff in Messrs. Standard (Africa) Limited, Mombasa. 15 of them are Kenyan citizens.

Mr. Mwatsama: Mr. Speaker, Sir, could the Assistant Minister tell this House how many of these 22 people are Africans and how many are Asians? We want to know the breakdown of them.

Mr. Kubai: The rest are Africans.

Mr. Mwamzandi: Mr. Speaker, Sir, arising from the Assistant Minister's reply, and due to the fact that we have several students running about for lack of employment, how is it that the Assistant Minister employs non-citizens while we have several young Africans roaming about without employment? Why does he see fit to give them work permits while our Africans are roaming about without employment?

Mr. Kubai: Mr. Speaker, Sir, I said 15 of them are Kenya citizens and the rest are Africans. The total number is 22.

The Speaker (Mr. Slade): Let us go on to the next question.

Question No. 160

DELAY IN PUBLISHING CAMBRIDGE SCHOOL CERTIFICATE RESULTS

Mr. Omar asked the Minister for Education if he would tell the House what was the cause of delay in publishing the results of Cambridge School Certificate Examination of 1968.

The Minister for Education (Dr. Kiano): Mr. Speaker, I beg to reply. The delay was caused by a sudden increase of candidates, both from the Government maintained schools as well as from private candidates, without a corresponding increase of the personnel marking the examinations.

Mr. Omar: Mr. Speaker, Sir, arising from that reply and in view of that fact that these papers are examined abroad, will the Minister tell us whether the under-staffing of examiners was abroad? If so, will the Minister make sure that this does not happen again in the next year?

Dr. Kiano: Mr. Speaker, Sir, I am sure he is referring to the end of this year and the situation is being looked into.

Mr. Mwithaga: Mr. Speaker, Sir, now that the Minister has not actually told us what really happened because speaking of personnel does not imply personnel in Kenya or the personnel in Britain, where did the personnel fail? Was it in Britain or here? If it was here or Britain, can you tell us exactly whether this year the marking of these papers will be done by our local syndicate?

Dr. Kiano: Mr. Speaker, Sir, the Cambridge University Examination Syndicate and the East African Examination have to work hand in hand until such time as this examination can be internationally recognized.

Question No. 146

NUMBER OF PUPILS AND AMOUNT OF FEES:
TAKAUNGU PRIMARY SCHOOL

Mr. Mwatsama asked the Minister for Education if he would tell the House—

(a) what the total school roll of Takaungu Primary School was; and

(b) how much the school fees per year were.

The Minister for Education (Dr. Kiano): Mr. Speaker, Sir, I am glad I did not hear what my friend said over there. I might have been upset.

Mr. Speaker, Sir, the total enrolment at Takaungu Primary School is 174 at present, and the school fee is Sh. 126 per child per year.

Mr. Mwatsama: Mr. Speaker, Sir, does the Minister agree with me that it is because of these school fees that our people, the Africans, cannot afford to pay these school fees and it is high time the Ministry of Education should take over the school.

Dr. Kiano: Mr. Speaker, Sir, I want to take this opportunity to thank the hon. Member as well as the hon. Mr. Madhubuti and other Members who have brought to my attention the situation existing in that area, whereby some primary schools of very ordinary and common amenities—nothing special about them—which were classified as Arab Primary Schools before independence, were charging higher fees than the African Primary Schools. I have agreed with the hon. Mr. Madhubuti and other Members that the Minister for Local Government and myself are taking a very urgent action on this matter to make these schools charge the same fees as other schools.

Mr. Omar: Mr. Speaker, Sir, arising from that answer, can the Minister give an assurance that by next year these school deductions will be the same as other county council primary schools?

Dr. Kiano: Mr. Speaker, Sir, the hon. Member actually knows that I have already discussed this matter with the Municipal Council of Mombasa and now I am discussing the matter with the Minister for Local Government. It depends on how fast the machinery of Government operates in this regard.

Mr. Mbogoh: Arising from that reply, Mr. Speaker, Sir, will the Minister then, in view of the prevailing conditions, allow African children

to pay according to their means, that is, about half of what is paid in that school, and allow the so-called Arabs who own the school to pay as high fees as they like?

Dr. Kiano: Mr. Speaker, Sir, I do not believe in discrimination among students.

NOTICE OF MOTION FOR THE
ADJOURNMENT

MATTER OF REPLY TO QUESTION NO. 146:
AFFAIRS OF TAKAUNGU PRIMARY SCHOOL

Mr. Omar: On a point of order, Mr. Speaker, Sir, if I get permission from the hon. questioner, I would like to raise this matter on adjournment.

The Speaker (Mr. Slade): Mr. Mwatsama?

Mr. Mwatsama: No objection, Sir.

NOTICE OF MOTION FOR THE
ADJOURNMENT UNDER S.O. 20

CLOSURE OF ROADS BY E.A.R. & H.—
BUNGOMA DISTRICT

The Speaker (Mr. Slade): Hon. Members I would remind you that at 6 p.m. today, Mr. Khaoya is to move the adjournment of the House under Standing Order 20 to discuss a definite matter of urgent national importance, that is, the closing of level crossings in the Bungoma District.

COMMUNICATION FROM THE CHAIR

AMENDMENTS TO THE STATUTE LAW—TO BE
CIRCULATED WITH SUBSTANTIVE ACTS

The Speaker (Mr. Slade): There is another matter to which I would like to refer—I am glad to see the Attorney-General is here—and that is the notice that hon. Members have received today, that the Attorney-General proposes to move in the committee stage of the Statute Law (Miscellaneous Amendment) Bill an addition to the Schedule, of a very important further amendment. Which, in fact, involves the introduction of the death sentence for certain crimes in certain circumstances. I am a little bit doubtful whether the amendment of a law of such importance is really suitable for a Miscellaneous Amendments Act, but as long as hon. Members are made aware of it—fully aware of it—I think no real harm is done.

However, in accordance with Standing Orders, I must ask the Attorney-General to circulate copies of the existing section, that is, 296 of the Penal Code, for hon. Members to see the actual law which is being amended, before we come to the committee stage.

MOTION

AMENDMENT TO S.O. 17

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, I beg to move:—

THAT, Standing Order No. 17 be amended in paragraph (1) thereof, by deleting the word "Mondays" therefrom.

Mr. Speaker, Sir, if I may say this, the paragraph says, "Unless for the convenience of the House, Mr. Speaker—otherwise directs the House shall meet at 9 a.m. on Fridays and at 2.30 p.m. on Mondays, Tuesdays, Wednesdays and Thursdays, but more than one sitting may be directed during the same day". It is the first part with which we are concerned now, the sitting of this House on Monday.

It is common knowledge to the hon. Members, that we agreed to sit on Mondays because of the pressure of work and the increase of business in this House. But we used to sit on Tuesdays and, therefore, this is not introducing a new thing but it is a thing which has been there before. The extra day, that is, the sitting on Mondays, Mr. Speaker, was brought in because of the increase of business.

Mr. Speaker, Sir, I think Members will agree with me that it is time for the hon. Members to find time to go to their constituencies and to speak to their constituents in preparation—

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

The Minister for Housing (Mr. Ngei): It is amazing, Mr. Speaker, Sir, that some four Members are very hostile to this Motion. I would, however, like to tell them on Monday, in a Parliamentary Group meeting, they were the ones who assented and said it was very good when the President sat in the chair. I am beginning to wonder why Members change; when the Chairman of the Kanu Parliamentary Group is there, they are different, and the moment they get into this House they change again.

Mr. Mwithaga: On a point of order, Mr. Speaker, Sir, is the Minister actually in order to try and bring all the Parliamentary Group matters here when this Motion is subject to the decision of this House?

The Speaker (Mr. Slade): Yes, I think in support of a Motion, an hon. Member can refer to conversations that have taken place outside the House, especially if he thinks they implied agreement on the part of some hon. Member. It is in order.

I am very grateful to you, Mr. Speaker, for correcting the Member for Nakuru West for

bringing in his own understanding about this particular aspect. Mr. Speaker, Sir, I am told the Member comes from the town.

I think this is for the convenience of hon. Members, especially those who come from very far away, that they should have time to spend in their constituencies, explaining the achievements of the Government. They have a duty, Mr. Speaker, Sir, these hon. Members here have a duty to explain to their constituencies the achievements of the Government, so when the General Election comes they will be able to clear their position completely.

Mr. Speaker, Sir, it is clearly known and, of course, I can see the Members that they would like to spend an extra day in their constituencies that we revert to the old Standing Order, where Mondays were excluded from the sitting of this hon. House. Therefore, without much to say, I beg to move that the Members will accept this Motion.

The Minister for Finance (Mr. Gichuru) seconded.

(Question proposed)

Mr. Mwithaga: Mr. Speaker, Sir, in fact, the Motion is self-explanatory, but the Minister has failed to convince the House exactly why Mondays should not be sitting days. Despite the fact that we had a Parliamentary Group meeting, the decision taken there had no binding authority on this House. The House has its own authority as by law, Mr. Speaker, Sir, the only thing I want to quarrel with, is the substitution of the day that we have to start sitting. If the Motion reads, that we delete the word "Monday" therefrom, and not substitute the day when we will be sitting, then the Motion is incomplete. The Standing Orders will be amended. The word Monday will be deleted. What day will it be substituted with?

The Speaker (Mr. Slade): I suggest you read the Standing Orders, Mr. Mwithaga and you will see that sitting days will remain as Tuesday, Wednesday, Thursday and Friday.

Mr. Mwithaga: Mr. Speaker, Sir, in fact, this is not my view alone, for I believe that many other Members have a similar confusion. Therefore, Mr. Speaker, if we are not to continue sitting on Mondays, I must say that I personally welcome it for only one reason and that is we have a lot of work sometimes to do during the week-ends. Sundays are busy days for it is the time we go to church, and Saturdays are not convenient for these are the half-days for work. Mr. Speaker, Sir, let the Minister tell this House that it is because of work which has become less

[Mr. Mwithaga]

and that makes us not require so many days for sitting. The amount of work is the same and he should only ask the Members to make a sacrifice and work harder here during a shorter week than in the longer week as we had been doing before. That is all, Mr. Speaker, Sir.

Mr. Shikuku: Mr. Speaker, Sir, I have no quarrel with the Motion as it stands. I do remember I did point out to Members in our Parliamentary Group—which has been referred to by the Deputy Leader of Government Business—that I am a Member of the Sessional Committee which is very much aware of the amount of work to be done during this session. If the hon. Members were supporting the idea of sitting from Tuesday to Friday, they should do so on the understanding that they will have to be pressed very hard in order to get the present work done and completed. This is physically impossible, because there are so many Bills to be debated here and so many committee meetings to be held that I feel we shall not be able to complete all this work if we only sit from Tuesday to Friday. I pointed out those facts in our Parliamentary Group and I want to point it out to the Members now. If the Minister can agree that the business of Government will be reduced, then it is possible to complete our work if we sit from Tuesday to Friday in this session. If the Government is not going to reduce the volume of business, then what it means is that we may have to sit from 2.30 to 8 p.m. every day.

An hon. Member: Address the Chair.

Mr. Shikuku: I am looking at the clock, I think there is nothing wrong with looking at the clock, Mr. Speaker, Sir, for I am addressing the Chair. We shall have to sit from 2.30—according to that clock of ours—until 8 p.m. or 9 p.m. to finish the business. If we do that, Mr. Speaker, we are going to have—from experience I remember in 1963 when we had a marathon debate in the former Chamber of ours—how nonsensical these long sittings can be. This is because hon. Members of the National Assembly get very tired and some of them cannot afford not to attend important discussions. Some of them get so bored that they have to go and have a glass of beer. When they come back, they are totally drunk and not in a mood to do anything except to cause chaos. This makes nonsense of the whole thing. I must warn, Mr. Speaker, Sir, being a representative of this country that if we are going to sit for a long time here, very many important Bills which will affect our people, will be passed because the Government will take advantage of the tiredness of Members and their disinterest and many of the

Bills will be bulldozed through. This is not in the interest of hon. Members nor is it in the interest of the nation. Mr. Speaker, Sir, I do not mind what anybody thinks about me, but there is one thing I know; that truth shall prevail and justice to the people of this country is a must. We should not take things simply here and call it a day. There is more than one alternative; there are many alternatives, Mr. Speaker, Sir. If we have to sit from Tuesday to Friday we have to agree that the Government will have to push us as much as possible and sometimes we will have to have a Bill passed in all its stages, on one day in order that things will be kept going. If that is what the hon. Members are going to accept, then I am not opposing because there are only two alternatives: either we sit for long hours or we have the business and Bills pushed through and in no time at all. I think it will be passed through at a terrific speed so that all the business we have to complete in the session will be completed. I am only giving them the true picture of the amount of business we have been told about in the Sessional Committee. I have no objection, Mr. Speaker, Sir, to sitting from Tuesday to Friday as long as the business is going to be reduced; but as long as the same amount of business is going to be there. I would only be fooling myself and failing in my duty as a representative of Butere in this House to think that we can hoodwink ourselves into thinking we can finish this amount of business within this short time.

The other thing, Mr. Speaker, Sir—the Deputy Leader of Government Business says that we need time to see our constituents. This is all right for I want to see my constituents, too. The fact is that we were recently at home for a good three months. Were we shaving? We were seeing people and we were always there. Any hon. Member who has not been going to his constituency, as the President of this Republic has informed any of us who stay in the town drinking, and now thinks that he can go and convince his people so late, because of next year's General Election—he is doomed. Therefore, we do not need that single day each week because one cannot do much in one day. Those who have not been going back will have already failed. Mr. Speaker, Sir, during our time in school, if we had not been studying very hard and waited until two months before the Cambridge School Certificate Examination and then started reading throughout the whole night without enough sleep, then one will never make it and one will always fail. Therefore, those who have been sitting here during the last six years, sleeping in the city—and I am sure the hon. Members of Nairobi City are very kind—

[Mr. Shikuku]

they cannot make up even if they are given every Monday to spend at home. So, the argument does not hold water at all, because Monday is just a single day and what can you do in a day? At any rate they should be travelling back on Monday to come here on Tuesday, so they will not do much, any way. If there is less business, Mr. Speaker, Sir, then we can sit from Tuesday to Friday. If there is business, for Heaven's sake, let us give every consideration to every clause in a Bill or to every Motion that is brought to this House in the interests of our people but not for ourselves. If there is question of a recess, then I do not know how it will work if we are going to sit from Tuesday to Friday. There will be no question of having a recess because the days will be so numbered. Now, Mr. Speaker, let it be understood that all I am trying to do is to keep the Members of the National Assembly aware of what they are trying to do. I agree that they first must see this in the National Assembly. If they agree, as I pointed out to them in our Parliamentary Group Meeting, if we are going to pass this Motion, which I am not objecting to, then we know the two conditions; that we shall either be sitting for longer hours, or we shall have everything bulldozed through until we have no time to think on whatever we do and there will be no recess at the same time.

If the business is to be reduced and Government is going to agree to that, and I hope that when the Deputy Leader of Government Business stands to reply to this Motion he will tell us whether the business will be reduced. I had a talk with one or two Ministers who said that we could cut down the business. If they can cut down the business, Mr. Speaker, Sir, then I have no objection. With these few remarks, Mr. Speaker, Sir, I wait for reply from the Minister.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I stand up just to argue on one small point that the hon. Member for Butere has been working on. Actually, he over-stressed this and it is a shame that a man of his experience should go on repeating himself all the time. We do get bored and tired of repetitions. We have been working as a Parliament in this House for four days for very many years and we have always managed to get through our business. It was only for a short time that it was felt necessary to commence sitting on a Monday. Now, Sir, the problem here is—let us be sensible and let us not go on continuing to say that business must be less. It could be much less. It should be much less.

An hon. Member: On a point of information.

The Minister for Finance (Mr. Gichuru): No information. I am pretty well informed; extremely so. The thing is that business fluctuates.

An hon. Member: Are you co-operative?

The Minister for Finance (Mr. Gichuru): I am extremely co-operative. Business fluctuates, and you cannot deny that. Sometimes we just sit here and just talk, talk, talk, talk nothing.

Mr. Shikuku: On a point of order, Mr. Speaker, is it in order for the Minister to say that we sit here and talk and talk and do nothing? Is he in order to imply that?

The Speaker (Mr. Slade): No, hon. Members should not speak so contemptuously of their own House.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, that is not what I meant. He is misinterpreting me purposely.

An hon. Member: Say it again!

The Minister for Finance (Mr. Gichuru): I am not saying it again.

To be serious, Sir, my feeling is that we could do our job—what we are doing now in five days—in four days. One of these coming days you will be asked to do it in three days. The thing is that if all we want is to have a very convenient time so that we can sit here five times a week and sometimes we, as I said earlier on, tend to prolong our speeches just to kill time. This has been my personal feeling.

Mr. Shikuku: On a point of order, Mr. Speaker, should we let that go unchallenged when the Member is actually imputing the motive that we are just here to make talk which is to kill the time? Is he not imputing an improper motive on the Members' speeches here?

The Speaker (Mr. Slade): I think if the hon. Member was imputing an improper motive he is out of order, of course; but if he is only saying that some Members speak longer than necessary, I do not think one could call him out of order.

The Minister for Finance (Mr. Gichuru): Thank you, Mr. Speaker, that is what I meant.

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

Mr. Odinga: Mr. Speaker, Sir, I am persuaded to support this Motion, because I also feel that we are being very unfair to those who have to drive over 300 miles every now and then to come to this House. When we leave this place on Friday afternoon, then we go there and we have only one day and that is a half day on Saturday to dispose of any duties in our own offices and then on Sundays we also have to attend some of the meetings in one place or the other.

The Minister for Housing (Mr. Ngei): Attend the churches.

Mr. Odinga: And also, yes, those who attend the churches also have to be present to attend the churches.

Therefore, to travel again to come back it is also fair that we should start coming back on Monday. At the present moment, you go a long way and you arrive at home at about 10 o'clock at night and then the next morning you are very busy with other things. On Sunday you have to get prepared to come back again to Nairobi. Doing this every now and then is very tiresome indeed. This is something which those who live near might not have noticed, but those people who live a little bit further away notice a great deal. This is a great strain on our movements. At the same time, I do believe that if the Kanu Government—taking into account the size of Kanu—could adopt the method that we used to adopt it would be a good thing. In the past all the Back-benchers used to wash all their dirty linen in their own Back-benchers' meeting before they came to Parliament. If this was done now, the work here would be easier. I remember at one time there were only eight African elected Members against several others, but when we came in to discuss a Bill we came when we had elected that So-and-so was going to participate and So-and-so was going to participate in that Bill. On the other side also, on the Government Bench, the European elected Members had selected who was going to speak on it, the principal speaker. The others only spoke when there was time left over. Now you find that everybody likes to speak and, in many respects, repeat something that somebody has already said, and this is no good. This does not help. I remember that even before the Opposition was only eight people and although we were only eight people at that time, we were given that Friday as our time for our debate. Mr. Speaker, I am reminding them of what happened.

The Speaker (Mr. Slade): It is not relevant, Mr. Odinga.

Mr. Odinga: I will leave it, but I want to say that Government business was only for three days, Tuesdays, Wednesdays and Thursdays and the other time was private time, that is Friday. However, we still concluded a lot of business.

I think, Mr. Speaker, that even now we can still conclude a lot of business during these days that we have, if Kanu had as often as possible a Back-benchers' meeting—I am just trying to help them to organize themselves—where they should discuss all Bills so that people can argue over these little things there and when they come here they

should speak on what they are going to contribute as important points. We could do the same on this side.

With this, Mr. Speaker, I know that some people might not like this, but this is what is called organization. If you want to live in an organization, you must conform to the rules of the organization. That is why we have got confusion because we cannot leave people just to move as they like. There must be a system of doing things in an organization.

As such, Mr. Speaker, Sir, I stand to support this Motion and I support it rather strongly.

Mr. Muliro: Mr. Speaker, on a point of order, I beg to call upon the Mover to reply.

The Speaker (Mr. Slade): Order! This is quite a serious issue. I see that a lot of hon. Members wish to speak, and so I do not think that I can assume there is nothing more to be said at this stage. I think it is too early for the closure.

Mr. Khaoya: Mr. Speaker, I rise to oppose this Motion because I do not think sufficient reasons have been advanced by the Mover of the Motion.

Mr. Speaker, I have heard the three points from the Leader of the Opposition and I, for one, think that anything which the Leader of the Opposition agrees with is bad for me and so naturally I oppose. He does not belong to Kanu and, therefore, he cannot support anything which is good for Kanu.

Mr. Speaker, one point has been raised that those who stay far away get very tired going home every weekend and coming back on Mondays. I am one of those who go very far away and I cover more than 300 miles in one single journey, and the return journey is more than 600 miles. I never stay here during the weekends. I am prepared to go every weekend. Those who say they are tired, we are nearing the election, they can opt out. I think this is the time that we should show that we are vigorous and that we are prepared to fight for five more years. If you say that you are tired, we shall tell your electors that you are too tired to come here on Mondays and that will be sufficient.

Mr. Speaker, on that count, I do not agree with the Leader of the Opposition; we are very vigorous; we are not tired at all. We are prepared to come for ten years every Monday and go home every Friday and come back every Monday for ten years.

Mr. Speaker, the second point which I would like to raise is that there is always time for resting and time for working. Already this year, as everybody knows in the country, we have had a

[**Mr. Khaoya**]

rest of almost six months, for this year, and so when we come for business we mean business even if it means working on Sundays, we shall stay here. I am prepared to work here and ask for no overtime because as national leaders we are prepared to do this work without overtime.

Now, there was this question of a spokesman. The Leader of the Opposition touched on that and said that the Opposition is going to select certain Members to represent them here and that our Kanu side should also select certain Members. He must understand that when we were elected in our constituencies, we were elected as the only spokesmen for those constituencies. If you come here and decide to give your mandate to somebody else, you had better declare that at the polls because it is important that your electorate should know whether you are going to speak for them or not. I think any hon. Member here is here as a representative in his own right; he is not to be bulldozed by anybody. You can talk in your Parliamentary group but, primarily, the thing is decided on this Floor, and this is where people will judge you whether you are representing them or not, whatever you do. These backdoor meetings are only to help the party maybe, but in the final analysis, when the votes are taken, people like to know from your constituency, "How did our Member vote and how did he speak?" You are not just supported because you happen to belong to Kanu and they support Kanu, or because you happen to support KPU, and they support the KPU.

Therefore, Mr. Speaker, on these three grounds I totally differ with the Leader of the Opposition and I only ask the Leader of Government Business and his Deputy to withdraw this Motion as it does not help anybody at all.

Mr. Speaker, I know that this is the year where we have to show our worth, if at all we are worthy, and we know that there are a number of things which we have to clear before we can present a clean face to the electorate. This being so, I think we have to look at every aspect of the colonial laws—and this requires time—and we have to look at every aspect of Government's undertakings—and this requires time—and that is why we should speak from Mondays up to Mondays again, so that when the year ends we can present ourselves as having done an honourable job. We should not say that we were tired and so could not manage Tuesdays, and then we hear that we only sat from Wednesdays up to Thursdays, and then again we found that too much and so we sat only on Fridays, once in a week. What sort of Parliament would that be?

Mr. Speaker, I beg to oppose.

The Minister for Natural Resources (Mr. Nyagah): Mr. Speaker, Sir, I beg to support.

Mr. Speaker, this is the supreme authority in this country: Parliament. Sir, when you questioned what had been decided in the Parliamentary group—or somewhere else—about deleting the word "Monday", you were taken in that grace that this is the place to decide. We have been on for about six years and for five years we have been working for four days, Tuesdays up to Fridays, and a lot of business was transacted. When it became necessary to add a little more time for the business of this country to be transacted through this House, one extra day was added to by this House. What this House is being asked to do is to reapportion the time again because it is necessary to reduce the number of days and do something else during the other days of the week.

I am sure, Mr. Speaker, this House is capable of apportioning this and that is why this has been brought here by the Government, and this House which added this extra day some time ago when it was necessary, is being asked to consider reducing this day because it is not absolutely—and I repeat the word absolutely—necessary. However, should it be found that we need another day in the future—not only one day, perhaps two days—this very House will be asked again to consider adding.

Therefore, it is on these grounds, Mr. Speaker, I want to support this and also to say that despite what we say here there was quite a lot of merit in what the Leader of the Opposition said.

Hon. Members: Are you agreeing with him?

The Minister for Natural Resources (Mr. Nyagah): Mr. Speaker, let us be frank here. At this particular time, the words said on this Floor a few minutes ago by the Leader of the Opposition on this Motion have a lot of merit.

Hon. Members: Cross the Floor.

The Minister for Natural Resources (Mr. Nyagah): This does not mean that I mean to cross the Floor. The trouble, Mr. Speaker, with some of these people who tell me to cross the Floor is that they do not know what they are talking about.

Mr. Shikuku: On a point of order, Mr. Speaker, is it in order for the Minister to say "some of these people"? Are we to be referred to as "these people" when we know very well that we are honourable Members?

The Minister for Natural Resources (Mr. Nyagah): Mr. Speaker, Sir, I do apologize. It is right that I should apologize but may I define

[The Minister for Natural Resources]

what I mean by “these people”? These people are known in my mind to be hon. gentlemen. I hope, Mr. Speaker, that these hon. gentlemen will let me expound a little further on this.

This is all right, Mr. Speaker, and this Motion is not asking too much; all that it is asking is that this hon. House should apportion ourselves—for the time being—to sit between Tuesdays and Fridays. Being an old teacher, I think I should say that there is something known as *précis* which means being brief. Brevity is a very essential part, especially when we are all grown up and very mature in these things.

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

Mr. Ngala-Abok: Mr. Speaker, Sir, I think whoever is the architect of this particular Motion did not read the substance of that clause. Whatever we may do, whether we pass it or not, the Speaker can still direct under that clause that this Parliament meets on Mondays until he is satisfied that the business of this country can be conducted efficiently, properly and in good time, giving the Members sufficient time. If this is wrong, then I advise you that you did not understand what you were meant to do with this Motion here.

The Speaker (Mr. Slade): I think I should explain, Mr. Ngala-Abok. It is quite true as Mr. Ngala-Abok says, that the Standing Order starts with the words “Unless for the convenience of the House Mr. Speaker otherwise directs . . .”, but of course that power of otherwise directing is not an arbitrary power, nor is it meant to be used so as to override permanently what is written in the Standing Orders. I should never regard it as my right to direct otherwise than is in Standing Orders, unless I was sure that the majority of the House would like me to do so, and I should never feel justified, where we have a Standing Order to sit on certain days, to direct that on every week we do the contrary. It would be a direction that one would only use occasionally by fairly strong pressure from the House. I would not like a misunderstanding as to the powers of the Speaker here.

Mr. Ngala-Abok: That being so, Mr. Speaker, Sir, Members have now fully understood, but it still remains with Mr. Speaker to see what there is to be done by the House, and to see whether he should direct that some other days, not included in the Standing Order, could be used for the convenience of Members.

I would like to oppose this, Mr. Speaker, Sir. I wanted to amend the Motion by inserting in front of “Monday”, the words “Whenever Mr.

Speaker directs”. We have had a very long explanation from the Speaker, counting the days remaining ahead, Government days and Private Members’ days, and the business which is coming. The explanation was long and was sufficiently convincing, but I do not know whether it will help this country. If anybody thinks that he will keep on warning the Members of his own party that they should go and farm, that they should not go and roam about looking for prostitutes, Members of his own party, or Members of the National Assembly, or that they should tell some Members to do this or that, then he is treating us as children. The Members here have experience and know the facts of this country. If you keep on warning them all the time, they will think they are your enemies, and you are doing a great disservice. There is no point in it, Mr. Speaker, Sir. The Leader of Government Business, the Deputy Leader of Government Business, the President of this country, they all know very well that they have the Parliamentary Group meeting regularly, and there they can warn as much as they like, but to make a statement which will go all over the world, that they warn Members of the National Assembly that they should not go looking for prostitutes in the country, hon. Members who were elected by the people, some—

The Minister for Housing (Mr. Ngei): On a point of order, Mr. Speaker, Sir, I understand the hon. Member is saying that the hon. Members were accused of going to look for prostitutes. Could he give us substantiation of this?

The Speaker (Mr. Slade): I think it will be found in the report of a certain speech—a newspaper report—but I was going to say to the hon. Member that I do not think it is really relevant to this question and we must get back to the point of the Motion.

Mr. Ngala-Abok: Mr. Speaker, I will leave that, but it is one of the worst ways of organizing your party. We have to be handled properly in this country, we are not children, and we have a say in our own future progress. We have the experience.

Mr. Speaker, Sir, I would like to say that I am opposed to the cancellation of meeting on Mondays, just because if Government brings a Motion to this House, it must have its reasons well tabulated, one, two, three, four, five, but we do not want sweeping and shallow statements here.

With those few remarks, I wish to oppose.

The Speaker (Mr. Slade): Is somebody wanting to move the closure?

Hon. Members: No, no.

The Assistant Minister for Education (Mr. Khasakhala): Mr. Speaker, Sir—

Mr. Mbogoh: On a point of order, Mr. Speaker, Sir, I wanted to move the closure.

The Speaker (Mr. Slade): I do not think it is premature now, so I will put the question of the closure.

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

The Assistant Minister for Education (Mr. Khasakhala): Mr. Speaker, Sir—

Mr. Okelo-Odongo: On a point of order, Mr. Speaker, Sir, I thought there was an amendment moved by the hon. Member, Mr. Ngala-Abok.

The Speaker (Mr. Slade): I was not quite clear, but I understood that although Mr. Ngala-Abok had contemplated such an amendment, he was not actually moving it.

Mr. Ngala-Abok: No, I just suggested it.

The Assistant Minister for Education (Mr. Khasakhala): Mr. Speaker, Sir, I rise to support the Motion as moved by the Deputy Leader of Government Business. The reason why I do so is simple: it is true that we are here to pass legislation. It is true that it is our duty to cover and complete as much as we can of the Government business, but we should also realize that it is our duty to explain to our voters the same matters which we are passing here. It is difficult for an hon. Member—the hon. Member in the Opposition, the Leader of the Opposition, and the hon. Member, Mr. Nyagah have said the same—to leave here on Friday afternoon, get home on Friday night, on Saturday he is in his area, and then on Sunday he has to prepare to come back. Mr. Speaker, it gives you very little time. You have also to consider the dangers on the roads today. There are so many accidents on the roads, and for hon. Members to be rushing away on Friday afternoon and to rush back on Sunday—

Mr. Kebaso: On a point of order, Mr. Speaker, since it was the wish, as we heard the other day in the Parliamentary Group meeting, that when debating such Motions all Government Ministers must be present—this was a ruling from the President—and since we only have two Ministers present, all others are absent, may I move that we adjourn this debate?

The Speaker (Mr. Slade): I put the question of the closure to the House only about three minutes ago when it was negatived and I cannot put it again so quickly.

The Minister for Natural Resources (Mr. Nyagah): On a point of order, Mr. Speaker, is the hon. Member for Kisii in order to mislead the House by saying there are only two Ministers in the House?

The Speaker (Mr. Slade): He is mistaken certainly.

Mr. Kibuga: On a point of order, Mr. Speaker, I would like your ruling on this. The hon. Member was not suggesting the closure but it was the question of adjourning the debate so as to enable Ministers to be present.

The Speaker (Mr. Slade): I am very sorry I cannot always hear Mr. Kebaso very clearly from that corner, it is rather a bad part of the House. That was your proposal, that you wished to move the adjournment of the debate, Mr. Kebaso?

Mr. Kebaso: Mr. Speaker, I meant to adjourn the debate until all the Ministers are present here.

The Speaker (Mr. Slade): No. When hon. Members wish to move the adjournment of the debate, the Speaker has a discretion as to whether he will allow the Motion, and he does not allow it unless he sees some really good reason, and I cannot see any.

The Assistant Minister for Education (Mr. Khasakhala): Mr. Speaker, I was making one valid point which was that if we move on the road today, Mr. Speaker, let us face the truth, we have so many accidents on the road and hon. Members would be rushing from here every Friday afternoon to get to their constituencies and then rush back here every Sunday.

If we want to demonstrate, as leaders of this country, it is high time that hon. Members occasionally stopped on the road, and talked to the people instead of rushing from Nairobi at 80 or 100 miles per hour, going to their constituencies and back here. Mr. Speaker, we have also talked about co-operation with the Administration, co-operation with the people we represent. It is only by giving me a free mandate so that I could go to a chief's *baraza* to hear if the chief is explaining Government policy properly, and I can then tell the people, who are my voters, what the Government is doing. Coming back every Sunday, Mr. Speaker, has deprived us of a lot of opportunities in our constituencies. We need to see the people. We need to assist them with the self-help projects also, Mr. Speaker. I feel we need to reconsider our stand and support this Motion as moved.

Mr. Speaker, this is the only chance the Members have to explain the policy of the Government to their voters, and you can only do so if you have enough days at home at the weekend, but not when you are rushing on the road to your constituency and then rushing back to Nairobi.

With these few remarks, Mr. Speaker, I fully support the Motion.

The Speaker (Mr. Slade): Hon. Members, we are getting some repetition now on the same points. I hope those who wish to speak will try to make new points.

Mr. Mbogoh: Mr. Speaker, Sir, I fail to understand how shortlived the memories of our Government are because it was only last week that Mr. Speaker, you enumerated the business of the House which is before us. Mr. Speaker, with such an amount of business in front of us, and having very great difficulty in finishing that business, and yet somebody goes to advise the President and the Cabinet that Mondays are not good days to sit.

Mr. Speaker, I just do not see how this can happen. Mr. Speaker, Sir, what I would like to say here today is that I have heard the arguments of the Ministers, and, in fact, the Mover of this Motion was very weak and did not know what points he wanted to bring to the attention of the House. He gave no reason at all why we should not meet on Mondays. In fact, it is high time that he stopped being the Deputy Leader of Government Business.

Mr. Speaker, Sir, many hon. Members have spoken here both in favour and against the business of the House. The hon. Member for Limuru, who is the Minister for Finance, started speaking here saying that it is easy to finish this business very, very quickly. Mr. Speaker, did he consider the fact that it was only yesterday when we were discussing his business of 1966? He did not remember that. Yet, he says we can finish this within a short time. This, Mr. Speaker, gives us no room for good thinking at all.

Mr. Speaker, it is true that in a month's time we will be going for another recess, and all the business we have will be pending. Let the Government today state clearly that they do not want this business discussed, and there are many Bills which they want to hide, and which they do not want us to discuss, and also the reports of the Select Committee. Let them say they do not want to discuss these here so we can agree that we are not going to meet on Mondays, and, therefore those can be thrown into the ditch or into the waste-paper baskets and be finished. Mr. Speaker, this is a very serious Motion and I feel that many arguments which have been advanced here, including that Members should go back to the land, are all nonsense. Nobody can teach me to go back to the land. I came from the land, I live there and I will be buried in the land. Mr. Speaker, there is no use in anyone coming here to tell me I should go back to the land. I just do not see where the sense is in a Motion like

this. Let those hon. Ministers who want to move this Motion tell us that they are finding it difficult to go to their offices on Mondays because of their Sunday hangovers. If they say such things, Mr. Speaker, then we can accept it very easily and we will say that it is all right and on Mondays they can transact their own business in their own shops while in the House we do not have to witness their hangovers.

Mr. Speaker, there is no reason at all for them to say it is anything to do with our being tired. A young man like myself being told he is tired of driving home every day, is absurd, Mr. Speaker. It is absurd to be told I am getting tired, when I am serving this great country of ours, and I feel it is now the right time to serve this country with distinction, and with all my might until I die for the people who as people, work day and night for our country and not just people who just want to sleep on Mondays and then we will continue on Tuesdays.

Mr. Speaker, Sir, the hon. Leader of the Opposition was very well applauded by the gentlemen on the Front Bench because he appeared to be their leader. But, Mr. Speaker, what substance was there in his speech? He only wanted more time to consolidate his KPU offices right inside Nyanza, and, yet when he says he should have that day to consolidate his offices and to attend funerals on Sundays, then these gentlemen were applauding him as if he were their leader. Mr. Speaker, I fail to see the sense in this.

Mr. Speaker, I feel this Motion should be tackled in a more realistic way than the way it has been done, and I ask the Deputy Leader of Government Business to withdraw it immediately and face the facts and go back to the so-called Parliamentary Group where he obtained it from and obtain the mandate of those people who did not have a chance to express themselves in the Parliamentary Group and then he can come back and test the popularity of that proposal in this House.

Mr. Speaker, I beg to oppose this Motion, very very seriously.

Mr. Makone: Mr. Speaker, Sir, my mind is very clear on what I am saying and there is no question of anybody saying I am opposed and so on.

Mr. Speaker, what I would like to say is this. Both sides have a case which the Government must look into. Mr. Speaker, I am going to speak my mind and I, for one, feel that Monday is a clumsy day for Parliament to sit, but, Sir, I am duty bound to say that if there is any business to be transacted by the Government on Monday

[Mr. Makone]

then I will come on Monday. It is very unfortunate that when the Motion was being moved I was not in the House, but I have been told that one of the Ministers said we should go back to the land. Mr. Speaker, I would like to inform the Minister who said this "go back to the land" is a very aggressive slogan, Sir, which was used in good sense but now it is being mocked by some people here. It is unfortunate, Mr. Speaker, that this was used here. Mr. Speaker, it was mockery of the slogan.

Now, Sir, what I would like to say is that as we have so much business to be got through, if we do not sit on Monday's it will not go through. There is something at the back of my mind which tells me we should sit on Mondays.

Mr. Speaker, in clear thinking I oppose the Motion, and as hon. Mbogoh said those who had no chance to air their views at the Parliamentary Group meeting will have a chance to do so and, therefore, it is not only in the Parliamentary Group, where such things should be decided. If the Government could bring a really good case and convince the House—we are all Members of the ruling party, and we can see the sense and we see the reasons behind it—but when you bring a blank cheque thinking the majority is behind you, then, Mr. Speaker, we must register our protest.

Mr. Speaker, I beg to oppose.

Mr. G. G. Kariuki: On a point of order, Mr. Speaker, when you used your discretion a few minutes ago when the hon. Member rose to move that the debate be adjourned, I think, Mr. Speaker, you can see the tension in the House and I would like to move that the debate be now adjourned.

The Speaker (Mr. Slade): Would you like to give some reason for proposing the adjournment of the debate, Mr. Kariuki?

Mr. G. G. Kariuki: Mr. Speaker, the reason being is that I remember we took a unanimous decision at the Parliamentary Group, and now, Mr. Speaker, it seems as if Members did not wholeheartedly support what we agreed at the Parliamentary Group meeting. Therefore, Mr. Speaker, I am moving that we refer this matter to the Parliamentary Group for further consideration.

The Speaker (Mr. Slade): Order! I must say it is a doubtful reason rather that debate should be adjourned simply for reference back for discussion in a particular group of the House very often. But since apparently Members are greatly troubled because of a previous decision taken by the

Group, and since I believe it might be the wish of the Mover himself to allow the adjournment of the debate for further discussion. If you would like to say, Mr. Ngei, would you be in favour? You would be in favour?

The Minister for Housing (Mr. Ngei): I am in favour, Mr. Speaker, that we go back and thrash this out again so that the Members can be easy in their minds.

The Speaker (Mr. Slade): In that case, I will allow Mr. Kariuki to move the adjournment of the debate, and then if it is seconded I will put the question immediately, I think.

MOTION

ADJOURNMENT OF DEBATE: AMENDMENT TO S.O. 17

Mr. G. G. Kariuki: Mr. Speaker, I am very grateful to the Deputy Leader of Government Business who thought it wise to have this debate referred back to the Parliamentary Group. I remember almost all of us attended this Parliamentary Group where the President—

Mr. Khaoya: On a point of order, Mr. Speaker, the hon. Member speaking said all of us attended the Parliamentary Group, can he substantiate that all of us, including myself, were at the meeting?

The Speaker (Mr. Slade): You would mean a large majority no doubt.

Mr. G. G. Kariuki: Mr. Speaker, I did not say all of us. I said "almost all of us", almost everybody here, although I remember my hon. friend over there was not at the Parliamentary Group meeting. I remember he was not there, but the majority of Parliamentarians who support Kanu as a party, were at this Parliamentary Group, and we unanimously decided that the amendment to the Standing Order—

Mr. Tsalwa: On a point of order, Mr. Speaker, Sir, could the hon. Member who has just sat down tell the House if the Parliamentary Group meeting is becoming the National Assembly of Kenya and will be given the responsibility of making laws as we do in this House?

The Speaker (Mr. Slade): I am sure the hon. Member is not suggesting that. It is certainly a very wrong suggestion. It is a common thing for Parliamentary Groups, strong or weak, to meet and decide on the attitude they take in the House when a matter comes to the House. That is what Mr. Kariuki is referring to. I do not think we want a very long discussion as to what exactly happened at the Parliamentary Group, especially if this Motion is to go back there again.

Mr. Kebaso: On a point of order, Mr. Speaker, since I was the originator of the move to have this debate adjourned until we meet again, I see no reason why the Member for Laikipia should continue wasting the time of the House talking about something which we want to put away.

The Speaker (Mr. Slade): We do not describe other Members efforts as a waste of time, Mr. Kebaso, even if we believe them to be so. When the hon. Member has finished, if you would like to second him, you would be welcome.

Mr. G. G. Kariuki: Mr. Speaker, I think I should be given time to explain why we are moving this Motion and, Mr. Speaker, I am sure Members will agree with me that this is the right time to have the debate adjourned until we meet again in the Parliamentary Group.

Mr. Speaker, Sir, I beg to move.

Mr. Kebaso: Mr. Speaker, Sir, when I said the debate be adjourned until we meet again, I did not mean we should go back to the Parliamentary Group. I said that since the Government Ministers who are supposed to be the policy makers—that is most of them—were out, and since they have now come in and that it is the wish of the whole House that this debate be adjourned until they decide either in the Parliamentary Group or in another place, I beg to second the Motion that the debate be now adjourned.

(Question proposed, put and agreed to)

(Debate on Motion thereupon adjourned)

BILLS

First Readings

THE FENCING BILL

THE DEFAMATION BILL

THE TRAFFIC (AMENDMENT OF LAWS) BILL

(Orders for First Readings read—Read the First Time—Ordered to be read the Second Time tomorrow)

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 SPECIAL PENSION (MR. ODONGO) BILL

(Clauses 2, 3 and 4 agreed to)

(Title agreed to)

(Clause 1 agreed to)

THE PETROLEUM DUTIES (AMENDMENT) BILL

(Clauses 2 and 3 agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Assistant Minister for Finance (Mr. Balala): Mr. Deputy Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Special Pension (Mr. Odongo) Bill and the Petroleum Duties (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]

REPORTS AND THIRD READINGS

THE SPECIAL PENSION (MR. ODONGO) BILL

The Assistant Minister for Finance (Mr. Balala): Mr. Speaker, Sir, on behalf of the Chairman, I beg to report that the Committee of the whole House has considered the Special Pension (Mr. Odongo) Bill and the Petroleum Duties (Amendment) Bill and approved same without amendment.

The Speaker (Mr. Slade): Sorry, we will take one at a time. We will take the Special Pension (Mr. Odongo) Bill. You now move that the House agrees with the Committee in the said report, that is the report on the Odongo Bill.

The Assistant Minister for Finance (Mr. Balala): Mr. Speaker, Sir, I beg to move that the House agrees with the Committee of the whole House in the said report.

The Minister of State, President's Office (Mr. M. Koinange) seconded.

(Question proposed)

(Question put and agreed to)

The Assistant Minister for Finance (Mr. Balala): Mr. Speaker, Sir, I beg to move that the Special Pension (Mr. Odongo) Bill be now read the Third Time.

The Minister of State, President's Office (Mr. M. Koinange) seconded.

(Question proposed)

Mr. Shikuku: Mr. Speaker, Sir, it is interesting that the Assistant Minister, despite the appeal made by various Members on this issue of Mr. Odongo's Pension during the Second Reading, has not in the Third Reading given a statement, at least to assure the hon. Members of this House that in future there will not be either Mr. Odongo's Bill, or any other Member's Bill, and that in future there will be one Bill for all the

[Mr. Shikuku]

people. This he has not said during the Third Reading, and I would like to remind him again that he should give an assurance to this House that there are many people like Mr. Odongo and so forth who should not be mentioned in this House, but a Bill to cover them all will be brought to this House for approval so that they also get enjoyment from the sweat they had in the past.

Mr. Speaker, that is the only assurance I would like to have from the Assistant Minister because it appears that he did not take the feelings of the Members seriously. If he does not take the feeling of the Members seriously, it is too bad, but I think he will take the views of the hon. Members in this House because they are speaking the minds of the people.

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

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

The Assistant Minister for Finance (Mr. Balala): Mr. Speaker, Sir, I would like to make it very clear to the hon. Member that I always take the views of the hon. Members very seriously and when I give an undertaking that I will do something, I usually do it. During the Second Reading of this Bill, I also made it very clear, and I said it very clearly, that I sympathize with the views expressed by the hon. Members, to the effect that there is a need for a law whereby all special pensions are covered instead of mentioning names of individuals to be covered by special Bills. I have also made it very clear that the suggestions of the hon. Members are noted and I have undertaken to pass the same to the Attorney-General.

(Question put and agreed to)

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

THE PETROLEUM DUTIES (AMENDMENT) BILL

The Assistant Minister for Finance (Mr. Balala): Mr. Speaker, Sir, on behalf of the Chairman, I beg to report that the Committee of the whole House, has considered the Petroleum Duties (Amendment) Bill and approved the same without amendment.

The Speaker (Mr. Slade): So you move.

The Assistant Minister for Finance (Mr. Balala): 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. Koinange) seconded.

(Question proposed)

(Question put and agreed to)

The Assistant Minister for Finance (Mr. Balala): Mr. Speaker, Sir, I beg to move that the Petroleum Duties (Amendment) Bill, be now read the Third Time.

The Minister for Information and Broadcasting (Mr. Osogo) seconded.

(Question proposed)

Mr. Shikuku: Mr. Speaker, Sir, while accepting the intentions behind this Bill, and as it has been supported by the House in the Second Reading, I know that the Minister tried his best. However, my report in this Third Reading, Sir, is that people living outside Nairobi, Nakuru, and other parts—those who live far off in the rural districts have not felt the difference in the price as far as diesel fuel is concerned. At the same time, Mr. Speaker, it should be enough for the Minister to reduce the little amount which he did, but a half a loaf is better than none—we congratulate the Minister for that. However, we need something far more than that, even going to the extent of reducing the price of fertilizers and other items, that will make the farming in this country, which is the backbone of the economy of this country, rather more economical than it is at the moment.

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

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

It is in this spirit Mr. Deputy Speaker, that Government should undertake to develop this country, because, unless this country is developed agriculturally, we will have no hope at all of standing on our own feet economically.

I wanted him also to tell me why, despite his reduction of the price of diesel fuel in other remote parts of Kenya, in places like Kakamega, Bungoma, Busia, and others, the price is still the same. Was it only mere *maneno*, and nothing has been done? Could he give us a statement undertaking that?

Otherwise, I have not much to say on this, apart from saying that I support the intention of the Bill, and let us hope that everybody will profit from it. So far, Western Province people have had nothing from it.

The Deputy Speaker (Dr. De Souza): I must now call on the Mover to reply.

The Assistant Minister for Finance (Mr. Balala): Mr. Deputy Speaker, Sir, at this stage of the Third Reading, I would like to thank the hon. Members who contributed to this Bill by putting forward very valid suggestions and very genuine ones. I can assure, the hon. Members particularly on the point raised by the hon. Mr. Shikuku, when he said that in some parts of the country

[The Assistant Minister for Finance]

the reduction has not yet been effective, that the reduction contained in the Bill from the date of its effect has been effective. If the hon. Member feels that the reductions are not affecting in some parts of the country, I am prepared to take up the matter, and I can assure him, that the proper and necessary steps will be taken.

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

(Question put and agreed to)

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

BILLS*Second Reading***THE AFRICAN ASSURANCE AND PROVIDENT CORPORATION LIMITED BILL**

(The Assistant Minister for Finance) (Mr. Balala)
(on 4th June 1969)

(Resumption of debate interrupted on
4th June 1969)

Mr. Mwalwa: Thank you Mr. Deputy Speaker, Sir. In this Bill I have one or two observations to make about the whole business.

Sir, yesterday we were given to understand by the Minister who spoke about this Bill that we have about 95 per cent of policy-holders in this company.

That may be true, but there is one question I want to put to the Minister who brought this Bill forward. I understand that this company was a branch of the one in Salisbury, and that the branch in Kenya had African directors. One wonders, therefore, what caused the collapse of the company. Also, when the Minister said that he was going to save policy-holders from losing their money, this to me does not hold water at all, simply because taking a life assurance policy is just like a business. When you go into a business, you expect two things: either to get profits or to lose. If, therefore you lose, it is nobody's business; it is your own *shauri* because you started your business wrongly and so there is no need for crying and saying, "Look, I have failed, I need assistance". Therefore, this to me does not appeal at all.

Sir, we all know that we have another assurance company which Government supports; the Government has about 51 per cent of the shares of the Kenya National Assurance Company. We are quite well aware that an assurance company is just like any other business; indeed, it is one of the most difficult businesses that one can undertake. This is because to get people assured

in the company, one needs to work very hard; one needs some agents to canvass the people in order that they may buy a policy from one's company.

Already, Mr. Deputy Speaker, there are numerous such companies in the country, and I do not believe that just because Government is going to assist in this one, this company is going to prosper so as to protect policy-holders in the company. This I do not believe. Unless they work twice as much as the other companies are doing now, I do not think that this company will succeed, just because Government is helping it.

What I am trying to say is that, although Government came up and said that it was trying to protect policy-holders in this company, to my mind this was a wrong thing for it to do. This is because if one is going into business, one goes into business on one's own and when the worst comes to the worst, there is no need to go to the people for help.

Sir, if the Government is prepared to step in and try to assist to bring this company to success, then we must have trained personnel in the company. We must have 95 per cent of the directors and people working in the company as black Africans, so that if the worst comes to the worst—if we lose—it will not be very bad because some of our Africans, who will have worked there will have been getting salaries and, therefore we will not complain very much. However, if they are going to put in expatriates as experts to run the company, then I do not see any need of our saying that we are trying to protect the policy-holders and so the Government comes in.

If Government wants this one to succeed, we must have Africans as directors, Africans as clerks, typists and so forth, so that we know that Government is really prepared to help not only the policy-holders in the company, but also the people working in the company will have some shares of salaries if the worst comes to the worst.

With these few remarks, Mr. Deputy Speaker, Sir, I am very doubtful of the intention of the Government in this Bill.

Mr. Gatuguta: Mr. Deputy Speaker, Sir, I have one or two things to say on this Bill.

First, I support the Bill, because the intention is to protect the policy-holders who I hope are Kenya citizens. I think, therefore, that this is a very good intention on the part of Government. If it was not so then the policy-holders would lose substantially in this country. However, I want the Government to take note, to learn from this particular example, that foreign companies in this country are extremely dangerous unless

[Mr. Gatuguta]

they are fully controlled. You can see that this was a foreign company, registered in a foreign country, and the government of another country decided that they should no longer be allowed to operate in Kenya. Now, Sir, this is a very dangerous thing and we should learn from this. What would happen if other foreign companies, registered in foreign countries, operating in Kenya, also decided that they were no longer going to operate in this country despite the fact that our people have invested so much money in them.

So, I would like the Government now to think more seriously about these foreign companies in our country, what is their future, whether or not our people who invest money in these companies are likely to recover their money or they are likely to lose it. We do not want every time that our Government should come forward and tell us, "We would like now to protect our people who have invested in this foreign company because this foreign company has now been refused by some other government, or some individual, to operate in Kenya". For this reason I sincerely appeal to the Government, particularly to the Attorney-General, to look into the legality of these foreign companies in our country. We have said time and again that these foreign companies should either be nationalized or be more or less 100 per cent controlled by local citizens. So this is very, very important, Sir. I am sure the Attorney-General will take note of it.

Otherwise, Mr. Deputy Speaker, I would like to support this Bill because we do not want our policy-holders to lose money. I, personally, have already lost money in this company. I had a policy with this company and this is in the records of the company. I bought a policy in this company some years ago and then I was told this company was about to be liquidated. I became afraid and did not pay the premiums due, I did not finish the three years which was the surrender-value period because I was told that if I went on paying the money I would lose it. There must be a lot of other people in the same position as I who have already lost some money.

So, it is a good thing that the Government is going to protect those who are holding policies in these companies. I lost mine, otherwise I would have benefited from this Bill. If I had known that the Government was going to bring this kind of a Bill I would have continued to pay my premiums. Unfortunately, I lost everything.

Let the Government take heed and look into the activities and the future of the foreign companies in this country.

I beg to support.

The Assistant Minister for Economic Planning and Development (Mr. Kase): Mr. Deputy Speaker, on a point of order, I wish to move that the Mover be called on to reply.

The Deputy Speaker (Dr. De Souza): I do not think you need a point of order for that because I do not think there is any other Member who wishes to speak.

The Assistant Minister for Finance (Mr. Balala): Mr. Deputy Speaker, Sir, I fully agree with the last speaker who said that this should set us an example and that we should exercise more control as regards the insurance companies. However, I would like to point out to the hon. Member that at that time when this company was to be liquidated we did not have an insurance law whereby control of this company could be exercised. At that time we had only the Companies Act, but now I can assure the hon. Member that now we have our own insurance Act which deals properly with all insurance companies operating in this country. Also, the policy-holders of this country are safeguarded by our insurance Act.

The point raised by the hon. Mwithaga, to the effect that there should be a complete merger between The African Assurance and Provident Corporation Limited and our Kenya National Assurance Corporation is a good one. I would like to point out that The African Assurance and Provident Corporation Limited is no longer under-writing any business. All business is now being under-written by the Kenya National Assurance Company, which is at present managing The African Assurance and Provident Corporation Limited.

I would like to point out and to re-affirm the point made by my Minister yesterday when he said that over 90 per cent of the policy-holders were Africans; today I would like to make it clear that, in fact, it is 100 per cent Africans who are policy-holders in this particular company.

I do not see any other point raised by the hon. Members in view of the fact that the Bill was very short and satisfactory and received the whole-hearted support of the hon. Members.

However, I would just like to give an example as to the benefits by which the steps taken by the Government to salvage the policy-holders from losing their money are noticeable. When the late Ngaira, the former Chairman of the Public Service Commission, died, this particular company could pay his benefactors the money. It was only because this particular company was taken over by the Government that the benefactors of the late Mr. Ngaira were paid Sh. 30,000. Had it not been for the Government stepping in and taking

[The Assistant Minister for Finance]

over this company, benefactors of the estate of the late Mr. Ngaira would not have received this lump sum of money.

Mr. Deputy Speaker, Sir, with these remarks, I beg to move.

(Question put and agreed to)

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

Second Reading**THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL**

The Attorney-General (Mr. Njonjo): Mr. Deputy Speaker, Sir, I beg to move that the Statute Law (Miscellaneous Amendment) Bill be now read a Second Time.

The purpose of this Bill is to continue the process of bringing the Statute Law up to date and removing anomalies. The amendments set out in the Bill are all of a minor nature and do not warrant the publication of separate Bills. For this reason they have been placed together in one measure instead of bringing separate Bills, for instance for the Penal Code, for the Chattels Transfer Act, the Debt Summary Recovery Act and so on. As hon. Members will realize, all these amendments are either to reflect the new changes in our Republican status or to correct the drafting errors.

I think, Sir, hon. Members would like me to explain the reasons for the various amendments proposed. So, I will now deal with them as briefly as I can. If the hon. Members have their Bills with them, then I can go through these proposed amendments fairly quickly.

The first one, the Chattels Transfer Act, merely amends the present Act so that we include the co-operatives in the Act. When a company gives a charge on its moveable assets under this Act, it is exempted from certain fees and formalities. The proposed amendment in the Chattels Transfer Act is intended to extend the same concession to co-operative societies, so that they enjoy the same facilities.

The next one, the Debts (Summary Recovery) Act, is merely to bring it into line following the amendments which we made in the Courts Act.

With regard to the Penal Code amendment, the amendment to section 52 will remove restriction on the powers which was originally designed to protect bona fide publishers being penalized in respect of their publications, merely because one of those publications or a single issue has been banned. This is now being introduced in order to remove the words in the original Act, namely, the bona fide publisher, because it has been found

that some publishers have misused this exemption which at present is in the legislation.

The next amendment, to sections 389 and 390, deal with the penalties to be imposed on people who attempt to commit a crime. As often as not — I see there are no lawyers in the House, because they are familiar with this type of offence — what is in law an attempt is really a crime which has not succeeded and it ought to be punished as a crime. At the moment, a crime which would carry a long term of imprisonment will only involve the offender in a fine of Sh. 200, if he does not carry out the crime, perhaps because he becomes frightened in the attempt. If he succeeded in frightening, for example, people who might be in their house having tea, and he comes in brandishing a panga, that is an attempt. However, as I say, the punishment for the offence is only Sh. 200. At the present time, an attempt to commit a crime of violence does not make the offender liable to suffer corporal punishment. The changes set out in this Bill will render the person attempting a crime liable to receive corporal punishment, and will also provide that a fine or imprisonment can be imposed upon him up to a limit of one-half of the punishment which would be provided if the crime is completed.

The next one is the amendment to section 29 of the Criminal Procedure Code. This is purely a drafting correction.

The amendment to section 186 is consequential upon recent changes in the age limits regarding sexual offences. Some of the hon. Members took a lot of time when we were discussing that amendment. They appeared to be very knowledgeable in these matters, and I see they are now conferring together, but as I say if the hon. gentlemen will remember the debate we had in this House, it is merely to conform with what they were suggesting, to change the ages from 14 to 16.

The amendment to section 186 is consequential upon recent changes, as I say, in the age limit regarding sexual offences.

The amendment to section 202 removes an anomaly whereby although a person ought to be entitled to be acquitted, he could be subjected to a fresh charge at a later date. This will, therefore, mean that once a person has been acquitted, he cannot be charged again.

The amendment to section 354 is also purely of a drafting nature.

The amendment to the First Schedule is to enable a first-class magistrate to deal with certain currency offences. Most currency offences in this country are of a very minor nature, and it is not felt that only the High Court should have jurisdiction to try them. If this amendment is passed,

[The Attorney-General]

it will enable other magistrates to deal with these types of cases which are not complicated, where the amount of money involved is not big, and where cases should be dealt with as quickly as possible so that witnesses do not disappear or forget the evidence they will be called upon to give in court.

The next one is the amendment to the Evidence Act, which again is of a purely drafting nature.

The amendment to section 29 is required because of the changed conditions since independence, and it is designed to ensure that restriction is imposed by the Act on the admissibility of confessions, and is confined to persons who are acting in the capacity of a police officer.

The Bill, Mr. Speaker, introduces a new section, 47A, which is designed to prevent an abuse of the courts which has become common elsewhere. The practice has grown up, of alleging that the newspaper report of the conviction of a person by the criminal court—this is criminal prosecution—is a libel upon the person. Such a person then brings a civil action and forces the newspaper to try and justify its report, a report on a criminal case. In order to do so, the evidence has to be reheard according to the rules of the civil court which are different from the practice of the criminal court. This involves the prosecution, the witnesses who gave evidence in that case, police officers, and officers in my Chambers, in a great deal of additional time, when they are called upon to give this evidence in another court, as it were. For that reason, this amendment is designed to prevent the practice from occurring in this country.

The amendment to section 57 is of a drafting nature resulting from the codification of a widely-accepted Common Law practice. The effect of the amendment is to establish that the introduction of evidence merely intended to prove bad character—for that purpose only—shall not be permitted. Evidence of bad character will still be admissible, as at present, if it is required for other purposes which are relevant to the proceedings.

The other amendment, Mr. Speaker, is the Administration Police Act. The amendments of this Act are required by the changed conditions in Kenya. It used to be the practice that all administrative officers were also magistrates, but this is no longer the case, as hon. Members will remember when they passed the Magistrates' Courts Act. The changes in this Act are necessary to reflect the present position.

The next one is the Fugitive Offenders Pursuit Act. These changes are consequential upon the

introduction of the new legislation recently passed by this House regarding extradition from East African countries and other foreign countries with whom we have entered into a mutual agreement on the return of fugitive criminals.

The next one is the Prisons Act. The amendment to section 67 is to enable the accused to be sentenced to borstal training if he is over the age of 17 years but under the age of 21, instead of being sent straight to prison where he is mixed with hard-core criminals. The present lower limit is 18 years of age, but this will enable more young persons to receive the benefit of borstal training.

The amendment to section 68 will enable female prisoners to be ordered to perform work outside a prison in the same manner as male prisoners can be ordered at the moment. At the present moment I understand that they enjoy certain privileges which are not accorded to the male prisoners.

The next one, Mr. Deputy Speaker, is on liquor. The amendment to section 27 will enable the liquor licence to continue to be in force pending the result of an appeal against its refusal upon application for renewal. In other words, pending appeal you will be allowed to continue selling your intoxicating liquor. This will prevent licences being put out of business even though the higher court may consider they have a good case and the licensing court was wrong. In certain cases, the Minister retains the power to refuse such a renewal, should he consider it necessary.

The amendment to section 38 is again designed to reflect present conditions; it will enable the officer in charge of a local police station to report to the licensing court on the licensed premises in his area even though he may not be of the rank of inspector. At the moment, the only person who can give such a report is an officer of inspector's rank.

The African Liquor Act: this again follows the changes in the magisterial system. The amendment will enable administrative officers who are not magistrates to carry out those functions which, in the past, were carried out by administrative officers in their capacity as magistrates, which they are not at the moment.

I wish the hon. Member who is speaking would, instead of snorting, speak clearly because it is difficult to understand the comments he is making.

The district commissioners and the provincial commissioners today do not hold any magistrates' courts because they have been abolished, and so the work that they used to do will now be carried out by the district magistrates.

[The Attorney-General]

The amendment to the Trustee Act, namely section 4, is of a drafting nature and it provides that the Registrar-General may give a certificate certifying that a company is substantially the same in identity although the demands of commerce may have led to its reorganization or amalgamation or some other change which, in the absence of this provision, would render the shares ineligible for treatment as trustee security.

The amendments to the Public Trustee Act are of a drafting nature intended to reflect Government office practice which have now become accepted over the years.

The Asian Officers' Family Pension Act: this change will enable the Minister to deal with the routine administrative appointments without the necessity of obtaining the signature, every time, of His Excellency the President.

The amendment to the Trade Disputes Act is to correct a drafting error which occurred in the publication of a previous change.

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

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

The amendments to the Survey Act are all, or nearly all, purely of a drafting nature necessitated by the changes which I am now going to mention.

The first change is the alteration of section 7 so as to recognize the qualification afforded now by our own examination known as the East African Land Survey Examination. This is an examination given locally and which will now be recognized when this amendment to section 7 is effected.

The amendment to section 9 is to enable the Land Surveyors Board, under the Act, to arbitrate in any disputes which may arise between the Director of Surveys, and the licensed surveyor in regard to certain provisions of the regulations.

The regulations themselves are now being altered to reflect the changes to the metric system, which I hope hon. Members are now familiar with, because the whole House should have gone metric by now because this legislation came into effect—

An hon. Member: What is your metric age?

The Attorney-General (Mr. Njonjo): We do not calculate ages in metres. The hon. Member must not disclose his ignorance.

This is another alteration required by the changing conditions since they were last reviewed. This amendment is, therefore, by way of preparation.

The amendment to section 37 is designed to effect a better safeguard for the public against the unscrupulous persons who attempt to use staff who are not properly qualified for the job which they are required to do.

The Dairy Industry Act: the amendment here is of a purely drafting nature reflecting a change which has already occurred administratively.

The Branding of Stock Act: this again is to remove a relic of *Majimbo* because branding of cattle used to come under *Majimbo* and now it comes under the Central Government.

Mr. Shikuku: You see, Butere will become a *jimbo*.

The Attorney-General (Mr. Njonjo): I hear the hon. Member saying that Butere will soon become a *Majimbo*, well that will be a very interesting Biafran exercise which we will wait and see.

Mr. Shikuku: On a point of order, Mr. Speaker, is the Member in order to put words into my mouth to say I said *Majimbo* will come back, when I did not? I was talking of Butere becoming a *jimbo*. Is he in order when I did not say that?

The Speaker (Mr. Slade): Order! I am trying to follow a point of order.

Mr. Shikuku: Is the Minister in order to say that I said Butere was going to become a *Majimbo* and would then become a Biafran exercise when I never said that at all?

The Speaker (Mr. Slade): Then he is not in order to say you did. Perhaps he misunderstood you.

The Attorney-General (Mr. Njonjo): Mr. Speaker, the other amendment is on the Prevention of Cruelty to Animals Act. At the moment, if an inspector or other authorized person has to destroy an animal he cannot dispose of the carcass legally unless the owner can be found. This is a sick animal which has died as a result of an illness. In the case of stray dogs and other stray animals, it is frequently impossible to ascertain quickly who the owner should be. This change is designed to enable an authorized officer, or a police officer, to dispose of the carcass if the owner cannot be found, and if it becomes necessary. The hon. Members will have seen a number of dogs near towns knocked down by cars—this amendment is to meet cases like that which can produce an epidemic in the countryside. It is because the present law cannot deal with it that this amendment is being introduced.

The next amendment, Mr. Speaker, is the Streets Adoption Act. This alteration will enable local authorities to have a little more time in which to prepare their registers of adopted

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streets. It has been thought that the present time limit, and this is a suggestion from the local authorities, that the time within which they prepare their registers on adopted streets is too short.

The Registration of Business Names Act: this again, Mr. Speaker, is one of the Acts we have a lot of trouble with. We receive a number of papers and notices in the office that a particular group, or certain individuals, have held meetings and the Registrar-General has no way of finding out if, in fact, these meetings have been held or whether the elections have taken place, or whether it was an election of just two individuals and they submit the papers to the Registrar-General, and this now will enable the Registrar-General to call for evidence and other factors which will help him to make a decision and ascertain the truth.

The next one, Mr. Speaker, is the Civil Procedure Act. This Act, which is of vital daily importance, has not been changed since independence because in due time recommendations will be made for substantial changes. However, these recommendations are still being discussed but we cannot allow out of date laws to remain on the Statute book for ever. I am recommending a little tidying up in this legislation. Those amendments which relate to the appeal procedure are necessary at this time because of the changes in the structure in the courts by the Magistrate's Court Act enacted by this House last year. I have taken the opportunity afforded by the need to make these changes in the appeal procedure to commence the process of bringing the rest of the Act up to date.

With regard to the Magistrate's Courts Act, the experience of working this new Act during the past year led to two proposals for amendment. The first will enable the Registrar of the High Court to apportion the amount of work between the various magistrates qualified to undertake it, so that at no time will cases pile up in any one court. The other amendment is of a technical nature and is designed to preserve certain rights in the respect of appeals which are pending under the former legislation.

The Tourist Industry Licensing Act: this is a drafting amendment intended to help protect our wildlife. It makes clear that in certain prosecutions the person accused will have to show that the articles he is selling are not made from the skins of animals killed in Kenya. In some cases these wild animals are killed and then one can say that the owner of this animal does not come from Kenya; but then the onus will be on that person

to prove that, in fact, the skin or the articles he has were not from an animal in this country, and that in fact, the animal came from outside.

The Land Adjudication Act: the first amendment to this Act will help prevent—

An hon. Member: What about the rule of law?

The Attorney-General (Mr. Njonjo): There is the rule of law, it is true. But where, in certain cases, you are found in possession of certain goods then I think the person who is in possession of those goods is in a better position to say whether they are his goods or if they belong to somebody else. If one is innocent, then surely it would not be very difficult for one to establish this fact.

With regard to the Land Adjudication Act the first amendment will help to prevent delays in adjudication which have occurred because people cannot be traced.

The second amendment will mean that the owner of the land will not have to pay fees in respect of adjudication unless he wishes to benefit from the registration of his title after the adjudication has been completed. This concession will be made, subject to the discretion of the Minister, in regard to each particular area.

Mr. Speaker, I think I have briefly covered all the proposed amendments in this Bill, and, as I indicated, it is not possible to introduce an individual Bill because the House will agree that most of the amendments in this Bill are of a minor nature and are intended to bring the law into line with the present conditions.

If the hon. Member, Mr. Karungaru, finds these amendments difficult, then I am afraid I cannot help him and he will just have to study them intelligently and I am sure he will find there is nothing complicated in them.

The Assistant Minister for Lands and Settlement (Mr. Malinda) seconded.

(Question proposed)

The Speaker (Mr. Slade): I would point out to hon. Members that the Attorney-General has taken the trouble to publish with this Bill the existing law so far as affected by the proposed amendments, except so far as the proposed amendments are self-explanatory, or, in my opinion, of a very minor nature. It is possible for hon. Members to see the exact implications of the proposed amendments if they will study them in relation to the law as published at the back of the Bill.

Mr. Mbogoh: Mr. Speaker, Sir, although the Attorney-General has published the Bill together with the parts which are required, I am sorry

[Mr. Mbogoh]

to say that I tried to trace them but I could not find any of them. As he was reading I think I followed his steps one by one and being also a qualified lawyer—a bush lawyer of course; when he was called to the Bar, I was called to the Corner Bar, and therefore I can still follow what he is talking about.

Mr. Speaker, Sir, in view of that I will not comment on each piece of legislation which he has mentioned, but will touch just briefly, on the few parts which I think concern me and concern the public in general as I see necessary.

Mr. Speaker, Sir, to start with, when the Attorney-General mentioned something about criminal court reports, it struck me immediately that the newspapers of this country are not like the newspapers of other countries, where, if a case is in court, the newspapers do not condemn the accused before the court itself gives a verdict on the accused. Here, Mr. Speaker, what happens is that if you are arrested and you are prosecuted, the newspapers, and even the courts, do not give you your due respect straight away. What they do is to strip you of all your qualifications, of all your decorations and they make you a plain criminal before you are even proved to be a criminal.

Mr. Speaker, I think if anybody has to go to court he still retains the right to be addressed respectably—if it is Mr. Njonjo, then he should be called Mr. Njonjo even in the newspapers and in the courts until he has been proved guilty, and then they can call him Njonjo the thief or whatever they want to call him.

The Attorney-General (Mr. Njonjo): Why do you want to use my name?

Mr. Mbogoh: It is a coincidence, Mr. Speaker, because that Njonjo is no relation to this one here. I could even have used Mutiso if necessary. That is a different Njonjo altogether.

Mr. Speaker, I think the accused should retain his dignity until he is proved guilty, and he should be given his right address and should be respected until he has been convicted. This is one of the things which I think that people, if they had any sense, could follow in the papers as much as possible, because once somebody addresses me like that, while reporting court proceedings, it is as if a verdict has already been passed and have already been convicted. The impression gained by the people in the country is that that man is a thief, full stop. Even if he wins the case in the court, everybody who meets him will think he is untouchable because of the newspaper reports

which they read. This is one of the things which should be looked into as quickly as possible so that people will not be condemned before the court passes a verdict on them. Mr. Speaker, Sir, the other thing which the Attorney-General spoke on was “intended crime”. This is one of the things which we support him on, and even the President of this country has said this many times, and he has repeated it everywhere he has addressed the people, that those people who rob with violence will receive very severe sentences. Now, this is intended robbery with violence. Mr. Speaker, if somebody goes with *simis* waving them at a couple taking, let us say, a cup of tea in their home, or having a drink in a bar; if they manage to foil that robbery, although they have not done harm, it is the same as having done it because if they had the chance they would have killed those people as quickly as possible. Mr. Speaker, I feel those people should get the maximum penalty that can be awarded, plus corporal punishment; if they can be given strokes with a cane, that would be even better.

Mr. Speaker, Sir, in this City of Nairobi at present, we have discovered that even women are engaged in this business of robbery with violence and are also accomplices to the rogues who go robbing banks and committing these violent acts. Now is the right time that the Attorney-General thought of not just isolating women and thinking that because they are women they cannot be given the maximum penalty which can be given. They should even be given corporal punishment because if they are able to get hold of somebody and push him about, they must be strong enough to take such punishment.

Since women are fighting for their rights in this country, Mr. Speaker—and I do not want any discrimination against our women, I want them to be given their rights as they deserve to be given their rights—then if a man can be given this *kiboko*, a woman should be able to be given this *kiboko*. If a woman can drive, a woman should be able to drive. Mr. Speaker, there should be no discrimination whatsoever and they should be given their rights.

Mr. Speaker, Sir, the other thing on which I would like to congratulate the Attorney-General is the question of the magistrates. Our magistrates in Kenya do a lot of work; but it is now a very bad thing to find a magistrate being given the duties of a district officer, which the district officer used to do. We opposed this very much previously, because the district officer or the district commissioner was the arresting officer and the magistrate at the same time. This was very bad because if the magistrate did not like you— There was a

[Mr. Mbogoh]

case I heard of before, where a district commissioner was drinking with somebody, and then they quarrelled. The district commissioner immediately arrested him and the next morning he took him to court and imprisoned him. Mr. Speaker, Sir, this is wrong—

The Speaker (Mr. Slade): Mr. Mbogoh, I think you are dealing with an amendment of the law which has already taken place and not with any further amendment proposed here, are you not? This removal of magisterial powers from provincial officers is something that has already happened.

Mr. Mbogoh: Mr. Speaker, as I said before, I am congratulating the Attorney-General—

The Speaker (Mr. Slade): You ought to keep to the Bill.

Mr. Mbogoh: I am not trying to suggest that we give them back their powers.

The Speaker (Mr. Slade): This Bill does not try to do that, so we must keep to what this Bill proposes.

Mr. Mbogoh: Good, Mr. Speaker. The only thing I would like here is that although we have these magistrates acting, we do not have enough Africans in the Judiciary, and those who have been magistrates and those who have been working in the Judiciary are running away and are practising as lawyers—I can name a few who have done that. The Attorney-General should be able to tell us why this is happening, because it is very difficult when we say “Africanize, Africanize”, and when an African gets into that department he just gets out of it and goes away. Mr. Speaker, we are very concerned about this.

The Speaker (Mr. Slade): You should realize, Mr. Mbogoh, that you must keep to the amendments of the law proposed by this Bill.

Mr. Mbogoh: Mr. Speaker, there is one difficulty you are creating. That is if I separate all the Attorney-General's amendments from the facts of life, I will not have any material to talk about.

The Speaker (Mr. Slade): In that case we would finish the debate quite soon, would we not? Now, hon. Members, really it is a rigid rule of the House that when we have a Bill before the House, especially a Bill for the amendment of the law, you keep strictly to what is proposed and do not go rambling on other things; it is even more necessary when we have a Bill before the House for the amendment of a score of different laws. We cannot discuss what is involved in all those different laws outside the proposed amendments. I must hold hon. Members rigidly to the amendments proposed by this Bill.

Mr. Mbogoh: Thank you very much, Mr. Speaker. I was just trying to mention them one by one in passing. I will not dwell very much on those points.

Mr. Speaker, I feel that this is a very important amendment and if we could amend as many of those laws which exist as possible, and make them compatible to African Socialism and the African way of living, I believe there would be no complaints around this place.

Mr. Speaker, before I finish, I would like to mention only one thing. The Attorney-General has brought this Bill here, because our country has gone metric. I very much agree with the metric system, but the Attorney-General should strive to see that even the roads in this country are changed to “keep right” which conforms to international systems. This “keeping left” is rotten. It is only a few countries that keep to the left and it will cost a lot of money when they decide to change to the right.

Mr. Speaker, Sir, I beg to support.

Mr. Seroney: Mr. Speaker, Sir, I quite sympathize with the Attorney-General in bringing all these amendments to the law in one Bill because I note that there are about 25 Acts affected, and quite rightly some of the amendments are very minor. As to which amendments are minor and which are serious, I think sometimes leaves room for differences of opinion. I think, Mr. Speaker, we should really guard against Members considering Bills and thinking some things are not all that serious and that they are of a formal nature, only to find that one or two serious changes have taken place. I think an illustration of what can be included in a Bill, and which Members may not realize, is found in an amendment to the Constitution which we passed last year, which dealt with the election of the President. The majority of Members considered only that aspect of it, but somewhere in it there was a provision which is giving us a lot of trouble now, and disqualifying independents from standing in elections. At that time, Members did not notice how serious such an inclusion was. Therefore, Mr. Speaker, Sir, it is really not very fair on the Members to bring in a lot of changes. If there are going to be some serious changes—for example, I have noted an amendment which I think is very serious, and which I do not think is of a drafting nature, seeking to introduce the death penalty—then that will be too bad, Mr. Speaker, the introduction of the death penalty which did not exist before cannot be regarded as a matter which is not serious at the moment. Therefore, I would like to reserve my comment and reactions on this matter until we come to the Committee Stage.

[Mr. Seroney]

However, I would like to ask the Attorney-General to try not to bring in a lot of changes in a law under this very convenient title, the Statute Law (Miscellaneous Amendment), in future. It may involve a little extra work for the people at the Attorney-General's office but I think it will be better to treat an important Bill, such as the Penal Code, separately instead of putting them together with other laws like the Streets Adoption Act, or a minor act like the Debt Summary Recovery Act, and so on. I think some laws are very important particularly the Penal Code Act or the Evidence Act or the Civil Procedure Code. I think the amendment which touches serious laws affecting the rights and liberties of the subject should not be dealt with together in a jumble as if they were not important. Where it is just a clear case of amending a drafting error—a genuine drafting error—that is well and good. However, where it is sought to introduce changes, even if the Attorney-General thinks that they are minor whereas other people may think they are not, I think such amendments should be introduced in separate Bills in future. It may involve more work, but I think that more work which will be brought about by printing separate Bills will be justified and will be fair for those Members who will then be in a better position to realize the importance or unimportance of changes which they will be asked to make.

Unfortunately, Mr. Speaker, our laws in this country can only be ascertained by referring to very many documents. We have solved one problem in the Constitution but the general laws in the country are confusing because if you want to find out something about a certain law you will find it very difficult unless you have a clerk to guide you, or go to a library where amendments have been kept up to date by various slips. I think that the Members of this House who are not lawyers will find it very difficult to know what a certain law is all about at any particular time.

In countries like the United Kingdom, which, of course, has more money than Kenya, and which has a large section of its population interested in buying Bills, whenever any amendments are made, the Acts affected, are rewritten immediately the Bill goes through Parliament and there is no need to buy two separate documents or to rely on a clerk or librarian to attach slips into existing Acts. This is not made easier, Mr. Speaker, by having, for example, a law like this, a Statute Law (Miscellaneous Amendments) Act because, strictly speaking, somebody has to pick up the section dealing with the Penal Code, cut it away, take it and attach it to the part dealing with the Penal Code. I know this would

be inevitable even if the Penal Code was amended separately instead of including it with other miscellaneous amendments. I would therefore urge the Attorney-General to consider this problem for the convenience of everybody. This will be fair to Members because they will be aware of what they are being asked to approve, to pass or to change. I think that in future, the less we resort to this system of amending the laws the better.

With these reservations, Mr. Speaker, I support.

Mr. Karungaru: Mr. Speaker, Sir, I have been listening carefully when the Attorney-General was moving this Bill and I observed a few points which I also would like to talk about.

Mr. Speaker, Sir, as regards this question of the Asian Pension Act, Chapter 194. I have a little quarrel here because the Attorney-General is inferring that we have to take the responsibility of paying pensions to some of the Asians who were working here during the colonial days, to continue paying them until, perhaps, our country will suffer from bankruptcy.

Mr. Speaker, Sir, I would like to give our Government a very stern warning in that; when we continue paying money to the people who were not—

The Speaker (Mr. Slade): I am sorry to interrupt you, but I would point out the extent of the amendment proposed for this particular law. There is no proposal to alter the substance of the law at all with regard to pensions. It is only a very small alteration as to the authority for the purpose of the Act, replacing "President" with "Minister". That is all we can discuss on this Bill.

Mr. Karungaru: Mr. Speaker, Sir, I would not like to be very unlimited, I would also like to be limited, but the thing is, this question of continuing to pay for the Colonial Government—

The Speaker (Mr. Slade): Order! That is not relevant to this amendment.

Mr. Karungaru: Mr. Speaker, are we not paying that money?

An hon. Member: Which money?

The Speaker (Mr. Slade): What you are talking about is not relevant to this amendment. The only proposed amendment of this particular Act is replacing "President" with "Minister". You may discuss that if you like, but nothing else.

Mr. Karungaru: Mr. Speaker, let me leave that alone.

Mr. Speaker, Sir, now I am going to talk about the question of the election. It has been the practice in the past that many people could only submit their forms regarding the annual return to

[Mr. Karungaru]

the Attorney-General and such people, even the unconstitutional leaders, could pass an election of their own and at the time the Chamber had no authority to question as to whether the election in question had any validity—

The Speaker (Mr. Slade): Order! I am sorry to interrupt you, but we want everybody to know to what you are referring to in the Bill. I think it is the Registration of Business Names Act or the Registration of Societies Act, is that not it? Could you just point out which provision of the schedule you are referring to, so that we may know where we are?

Mr. Karungaru: Mr. Speaker, some of us in this House are asking for explanations, because we do not have copies of the Bill. I have been listening to whatever the Attorney-General was saying and was—

The Speaker (Mr. Slade): Surely you all have copies of the Bill?

Mr. Karungaru: No, I do not have one, Mr. Speaker.

The Speaker (Mr. Slade): If you do not have a copy, then you should not speak. Hon. Members must try, in discussing a Bill, to refer to the actual provisions. That is the reason why the Members are provided with copies of the Bill. We all get very confused if Members talk about a Bill and if we do not know exactly what part of the Bill they are referring to. I personally find it very difficult to see which particular provision of this Bill you are referring to now.

Mr. Karungaru: Mr. Speaker, I am now seeking your guidance. What happens if one does not have a copy of the Bill? Does one go and look for a copy and then come back to speak?

The Speaker (Mr. Slade): It is much better not to speak at all unless you come armed with a copy of the Bill.

Mr. Wariithi: Mr. Speaker, I would like to help my colleague, the Member for Embakasi, for the purpose of the record. I think the Attorney-General himself might have made a mistake when he was introducing the amendment. Referring to page 28 of the Bill, the Registration of Business Names Bill— When the Attorney-General was referring to that amendment he said that this would take care of the registration of societies whereby, if you submit a list of names, the Registrar-General is given power to reject some of the names. For the purposes of the record, he made a mistake. What the amendment refers to is to the registration of business names and the amendment is to give the Registrar of

Business Names power to reject a name which he thinks is undesirable. This has nothing to do with the Societies Act. When the amendments were moved, Mr. Speaker, I think there was that impression given and perhaps that is why the Member for Embakasi was referring to this. I would like to correct this and draw the attention of the House to the fact that there is no reference to the Societies Act but only to the Registration of Business Names Act.

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Speaker, with the greatest respect, I was reading and I can still reread it again. I read, the Registration of Business Names Act. I did give an example of the difficulties that we have in other Acts but I did read this, and this can be read in HANSARD. I did not say that the amendment we are proposing here is to the Societies Act.

The Speaker (Mr. Slade): Your reference to the registration of societies was only incidental?

The Attorney-General (Mr. Njonjo): Yes, Mr. Speaker.

Mr. Wariithi: Well, actually, Sir, I do not want to quarrel with the Attorney-General but I heard him make reference to names being returned to the Registrar of Societies of elections which probably never took place. He made reference to this and I am saying that probably he did this when he was explaining and made reference to something which was not relevant to the amendments.

The Speaker (Mr. Slade): I think it is clear now that it was only a casual reference, and does not relate strictly to the Bill itself.

It is time now for Mr. Khaoya to move the adjournment of the House. So, no doubt you will continue when we resume the debate, Mr. Wariithi.

Mr. Khaoya.

MOTION FOR THE ADJOURNMENT UNDER STANDING ORDER 20

CLOSURE OF ROADS BY E.A.R. & H. IN BUNGOMA DISTRICT

Mr. Khaoya: Mr. Speaker, Sir, I now move under Standing Order 20, that the House adjourns to allow an issue to be debated here, over a dispute between the East African Railways and Harbours and the Bungoma County Council.

Mr. Speaker, Sir, first I must be very grateful for your permission and also for the permission of the hon. Members here who thought fit yesterday to allow me to raise this matter.

[Mr. Khaoya]

The dispute arose last week when the East African Railways and Harbours, through their officers from Eldoret, moved into Bungoma District and physically blocked the level crossings and cattle crossings in the district over what was alleged to be a failure of the county council to pay the annual fees which, I understand, is required for the maintenance of these level crossings and cattle crossings.

Sir, I experienced a difficulty when I was driving home on Sunday, after the Madaraka Day celebrations. When I was driving home from Nairobi, at about 10 o'clock in the night, I found that I could not reach home because just five miles from home I had to cross the railway line, and there I found one of these railway sleepers stuck right in the middle of the road with a trench dug across the road. The check rails, which are the additional rails used over the level crossing, were also removed. It was a pitiful situation because the first thing I wondered was whether I was being ambushed or not. I just did not know what was happening. Later on, however, I found that there had been this dispute.

Mr. Speaker, two things immediately come to mind. One, there is a blame to be apportioned to the local authority. Why did they not pay? That is one question we have to ask. We do not require the population in Bungoma to go and pay the fee when it is due because I understand this has been paid annually over the last 20 or 30 years and the county council, as a matter of routine, should have done so without inconveniencing the public. That is question number one. I hear that, may be, the Ministry of Local Government could have helped us—if it was a question of inefficiency they could have investigated it and removed the bloody inefficient officials of the county council.

The Minister for Power and Communications (Mr. Nyamweya): On a point of order, Mr. Speaker, I am wondering whether the word "bloody", in this hon. Chamber, is parliamentary?

The Speaker (Mr. Slade): It is not parliamentary, Mr. Khaoya. You should choose your words more carefully.

Mr. Khaoya: I apologize, Mr. Speaker.

The other question which immediately comes to mind is in relation to the East African Railways and Harbours. We know that this is one arm of the East African Community organization and, surely, we in Bungoma are a part of Kenya, and Kenya is a member State of the East African Community. If there was this dispute, and if the railways were not getting their dues, surely there

are many ways they could use other than just coming in physically and doing this dirty work. I would have thought the best way for them would have been, Sir, to report the matter to the Ministry of Power and Communications—we have a Kenya base here and somebody should have done something about it—or, maybe, they could have reported the matter to the nearest district commissioner, who is a representative of His Excellency the President, to see whether he could do something. Here, what happened was what I call a Don Quixote armchair type of arbitrary decision and action, where somebody moves with a trolley and then stops there, he removes the rails, thus inconveniencing about half a million people within the district as if he never thought that even the railways themselves were built solely to help the people. Mr. Speaker, this is a point which needs explanation today: the relationship between the East African Railways and Harbours and the member States which use the railways. We cannot afford to be maltreated like this. In fact, Sir, we who live in the area, feel that if they continue to do this, then we have every right to ask whether, when the railways were built, any compensation paid to us. If there was, then who received the compensation? I thought this was a piece of colonial legislation, and when we attained independence that went away with the colonialists. I do not even see why we should continue paying an annual fee when the railways virtually pass on our land without any compensation.

I understand, Mr. Speaker, that there is what they call the railway reserve, and that it extends 100 feet on each side of the railway line. 200 feet in all for this railways reserve. I also understand that we have to pay if we want to cross the railway reserve.

Sir, I see that this railway runs through a length of about 70 miles in the district. We must bear in mind that wherever it passes, there are farms on each side of the railway line. You find some person's farm was divided into two by this railway. It is, therefore, desirable that, for the inconvenience the railway causes the population there, at least it should do something to facilitate them to cross from one side to the other. Say, suppose you have your maize on the other side of the railway line and you want to move it to the other side of the line, or, say, if you want to take your farming implements from one side of the railway line to the other, or you merely want to cross to the other part of the district, these are the things that have to be considered. I think, Mr. Speaker, the East African Railways and Harbours must be told in no uncertain terms that if they are going to do this, take the law unto themselves—what would happen if the people of

[Mr. Khaoya]

the area also took the law unto themselves and removed the railways? This could happen, but I do not want it to happen. If you provoke people, you can always expect a counter-provocation. I feel that the people in Bungoma have been provoked more than they can bear. Imagine, one day finding all the cattle paths taken up.

I understand that the railway chaps were even threatening to block—and I do not know how they could have done this—a pipeline, say, taking water to a health centre at Matokho in West Bukusu of Bungoma District. I understand they wanted to block—I do not know if they wanted to cut the pipe and let the water run free or not. Surely, Mr. Speaker, it is this kind of thing that makes us bring the matter before the Government so that they can take immediate remedial action. We are very sad over this affair. If nothing is done, I think we can defend ourselves and the railways can go to hell.

Mr. Speaker, I do not want to tire the patience of the House. I am very grateful for their sympathetic hearing and also for the permission which they gave yesterday.

I beg to move.

The Speaker (Mr. Slade): Mr. Shikuku, can you keep your speech to five minutes, do you think, as I have not allowed very much time?

Mr. Shikuku: I see, I will give other Members a chance to speak.

Mr. Speaker, I was one of those who, unfortunately, was caught in this dirty trick by the East African Railways and Harbours. I was travelling from my home to the settlement scheme which is in Bungoma District. For your information, Mr. Speaker, I come from Kakamega, and am not a taxpayer as far as local business is concerned in Bungoma. I was travelling to Kiminini Settlement Scheme, only to find that I could not go over the rails, and so I had to drive back and go—

An hon. Member: Why?

Mr. Shikuku: —through the Eldoret route so as to get to my farm—this was because of this inconvenience. The point, and the most important point here, Mr. Speaker—and it is the one on which we want the Minister to explain to this House—is whose fault it was. Is it the fault of the people? Could not this so-called East African Railways Corporation resort to the courts if there was any dispute? Why had they to interfere with innocent people like us who are not even from Bungoma District and were just travelling through?

Mr. Speaker, this is a terrible thing because buses were interfered with and poor people who were moving from one end to the other to visit their fathers who were sick, or people who were going to weddings and so forth, could not go because of this inconvenience. Mr. Speaker, how can you allow that in this independent country? I cannot recall any day when the imperialists did that. The so-called East African Railways and Harbours, manned by our own Government can inconvenience the people of an independent State like Kenya. I am sure the Tanzania people, the Uganda people and, indeed, the people of Kenya will be very much disturbed when they learn of this unfortunate situation which took place in this area.

Mr. Speaker, the question is: will the Minister stand up and tell us why he took the law into his own hands, because I accuse the Minister and not anybody else? He is in charge, and we want to know why he took the law into his own hands and why he did not take the County Council of Bungoma to court rather than inconveniencing the people. That is why I accuse the Minister.

With this, Mr. Speaker, I will give a chance to other Members to accuse the Minister for having failed to meet the needs of the people of Bungoma District.

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

(Question proposed)

The Minister for Power and Communications (Mr. Nyamweya): Mr. Speaker, Sir, I am grateful that this matter has been raised by the hon. Member for Bungoma South. I would like to explain to the House, as well as the people of Bungoma, the exact position as it was a few days ago and as it is now.

I think, Mr. Speaker, Sir, that it is appropriate that we put the matter in its proper perspective. The situation here is a matter which is covered by the law. The legal provisions regarding level crossings are dealt with in sections 17, 18 and 19 of the East African Railways and Harbours Act.

An hon. Member: Amend them.

The Minister for Power and Communications (Mr. Nyamweya): That is what I am going to say later if the hon. Member would like to listen, because I am going to ask their help in order to change them if it becomes necessary.

Now, Sir, that was the East African Railways and Harbours Act which has now been superseded by the new Act—the East African Railways Corporation Act, which was passed by the Authority some time in 1967—as a result of the East African Community coming into being.

[The Minister for Power and Communications]

Mr. Speaker, Sir, the purpose of this legislation is, briefly, that where a new railway line crosses an existing road, public or private land, where it is severed in such a manner that in order to pass from one severed portion to the other a level crossing or a bridge is required, then the cost of providing the crossing or bridge, and maintaining that crossing or bridge, is borne wholly by the East African Railways. That is one way of looking at it.

The second position, Sir, is where the crossing is required to cross an existing railway line. Now, the cost of construction here is borne by the party, or parties, requiring the crossing. What I mean to say here is that where there is a railway line already in existence, and then a new road is being constructed and it becomes necessary to have a crossing on the existing railway line, then the cost is borne by the party which is constructing the road. In this case, as I shall explain, it will be the County Council of Bungoma.

When this situation occurs, a level crossing agreement is drawn up between the two parties, and the cost of maintaining the crossing or the bridge is then apportioned between the East African Railways and the other party who, in this case, will be the county council.

Now, in the case of the Bungoma County Council where the crossings were required by the county council itself, their provision and their maintenance was therefore governed by the agreement which was drawn up by the Bungoma County Council and the East African Railways and Harbours. I want to be fair to Bungoma County Council. The situation as it is is that the agreement was drawn up a long time before between the Northern Nyanza African District Council and the Railways, but when the Northern Nyanza African District Council ceased to be in existence, its obligations and rights and duties were assumed by the Bungoma County Council on the one hand and the Kakamega County Council on the other.

In this case, Sir, the agreement specifically stipulates that the Bungoma County Council will pay an annual fee of Sh. 425, payable on 1st January every year. As it is, Sir, in this case the Bungoma County Council failed to discharge their part of the obligation by paying this as agreed in the agreement. Therefore, there was a breach of agreement.

Mr. Speaker, Sir, I think we had better put the blame where it belongs. At the end of November last year the East African Railways and Harbours sent a reminder—in fact, five letters—

to the Clerk of the Bungoma County Council, saying that the fees for these crossings were due on the 1st January 1969. I am advised that—

Mr. Lubembe: On a point of order, Mr. Speaker, listening to the hon. Minister I have noted that he has referred to the law and I have no question about the law, but he has referred to an agreement drawn up between the Railways and the county council. The procedure that we have used is that any document being referred to should be laid on the Table. Is it not in order for me to request the hon. Minister to lay this agreement on the Table so that we can have access to it?

The Speaker (Mr. Slade): It is in order, Mr. Lubembe. I do not know whether you have the agreement with you, Mr. Nyamweya, or can lay it, or a copy of it, on the Table within the next day or two. Mr. Lubembe is quite correct.

The Minister for Power and Communications (Mr. Nyamweya): Later, Sir, as I do not have it.

The Speaker (Mr. Slade): A day or two later?

The Minister for Power and Communications (Mr. Nyamweya): Yes, I will do that.

The Speaker (Mr. Slade): Thank you very much.

The Minister for Power and Communications (Mr. Nyamweya): Mr. Speaker, Sir, on the 28th January the Clerk of the Bungoma County Council was reminded that the fees still remained unpaid. He was also reminded in the middle of March and he was warned that if the fees were not paid within 21 days then the agreement would be terminated forthwith.

Now, on the 12th April, further letters were sent stating that the agreement would be terminated and the crossings would be closed if payment was not made by the 26th April.

On the 2nd May, Sir, the Clerk was informed again and there was no response from him.

Mr. Speaker, Sir, here I think the House ought to take note that five letters had been sent to a responsible officer of the Bungoma County Council who failed to take the necessary action.

Sir, when there was no response from this gentleman, the East African Railways and Harbours had no option but to take the action they did by terminating the agreement. The agreement was terminated and one of the crossings was closed on the 29th May 1969; but as soon as this was closed, the Clerk of the Bungoma County Council and the Treasurer woke up and immediately sent the cheque to the East African Railways

[The Minister for Power and Communications] and Harbours for payment of the fees. As a result the crossing was reopened on the 4th June, which was yesterday, after the county council paid the fees which they were supposed to pay.

Mr. Speaker, Sir, it should be noted here, again, that the Railways Corporation was extremely lenient, that for five months a small amount which the Bungoma County Council should have paid was not paid, despite so many reminders.

Mr. Shikuku: Why did you not send them to court?

The Minister for Power and Communications (Mr. Nyamweya): That would be another way of doing it, but what the Railways Corporation did here was to terminate the agreement. We have, as a result of receiving the payment, reinstated the agreement and that is why the crossings have been reopened.

Mr. Speaker, Sir, Members may feel this is a wrong way of collecting fees for these crossings, but if that is the position the Members who feel very strongly about the current legal position have one way open to them. The provisions of the law, as I have explained to them, are available in the library and a Member who is not happy with the existing provisions of the law could table in this House a Motion requesting the amendment of the provisions of the Bill.

The Railways Corporation, at the moment, has no intention of repealing these particular provisions. It should be borne in mind that this is the law, not only in Kenya but throughout East Africa. It is the latest Act which was passed by the Authority, as I said, last year, and which came into existence from 1st June 1969. We are quite satisfied that the law as it is now does not really inconvenience the citizens of this country or, for that matter, of East Africa as a whole, but it could inconvenience citizens of any county council whose senior officers are delinquent in discharging their obligations.

The Speaker (Mr. Slade): Mr. Nyamweya, to complete the picture and to comply strictly with our practice, would you please also lay copies of the five letters with a copy of the Agreement? The five letters of demand.

The Minister for Power and Communications (Mr. Nyamweya): Mr. Speaker, Sir, I only made reference to letters written, or reminders, but I do not think it is necessary to lay them on the Table.

The Speaker (Mr. Slade): I am afraid so. You see I have said, and I think it is absolutely necessary, that if hon. Members wish to refer to docu-

ments as part of their argument they must produce those documents for the House to see and lay them on the Table, so that everybody really sees the contents and the context too.

Just five minutes, Mr. Godia.

Mr. Godia: Mr. Speaker, Sir, I must thank the Member for Bungoma for bringing this Motion to the House because this has been a very surprising affair where the East African Railways Administration found it necessary to punish the people in Bungoma—not only people of Bungoma but also, in fact, other people who travel through that district.

Mr. Speaker, Sir, I feel that this mistake should not happen again. If somebody received a letter from the East African Railways Administration, asking him to effect an Agreement, and that person did not effect the Agreement, then it was up to the East African Railways Administration to take legal steps against that particular individual. The public who have been inconvenienced have the right now to claim damages from the East African Railways Administration. Those who have been inconvenienced have the right to go to court against the East African Railways Administration as it had been made impossible by the East African Railways Administration for them to carry out any work they had at that time.

Mr. Speaker, Sir, I appeal to the Minister who is responsible for this Administration to see that such a thing does not happen again, and also to make sure that where there is any district with complaints of this nature, the Members for that particular area are informed so that they know what is happening, rather than having people being inconvenienced by such a move which is contrary to the wishes of our people.

Mr. Speaker, Sir, it is known that the East African Railways make a lot of money in this country, and nobody questions the profits made. I know some of it is used in various places to improve the work of the Administration, but, Mr. Speaker, Sir, it must be known that without us, the people of Kenya, Uganda and Tanzania, this Administration would not be doing its work. Therefore, it should respect the wishes of the people first. Should there be any irregularity, then the particular individual who is involved should be taken to court.

Mr. Speaker, Sir, with these few words I thank the Mover.

The Speaker (Mr. Slade): Two minutes, Mr. Kibuga.

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

[Mr. Kibuga]

While the Member for Bungoma South was speaking, and also the Secunder, after listening to what they said I was about to condemn the Minister for failing in his duty; but after hearing the Minister I find it is the county council who is to blame.

Mr. Speaker, knowing this Agreement had to be observed, we should also take note of the fact that there were four days of inconvenience to the citizens of Bungoma County Council, and to all the other citizens of Kenya. They are free to pass over these roads and it is high time that the Minister for Power and Communications thought of repealing this law. In fact, now that this is the work of the East African Community, when a county council fails to pay, instead of the

roads being blocked the Government responsible for that county council should pay and then demand the money from the county council. Mr. Speaker, Sir, if, for example, there was a tarmac road and somebody forgot to pay, and then the tarmac was dug up in order to block the road, this would be rather expensive to replace.

Mr. Speaker, Sir, I hope the Government will repeal this law.

ADJOURNMENT

The Speaker (Mr. Slade): It is time now for the interruption of business, so the House is adjourned until tomorrow, Friday, 6th June, at 9 a.m.

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

Friday, 6th June 1969

The House met at Nine o'clock.

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

PRAYERS**ORAL ANSWERS TO QUESTIONS***Question No. 161***FORM V ADMISSION, 1969**

Mr. Omar asked the Minister for Education to state—

(a) how many students had been selected for admission into Form V in 1969;

(b) how many had come from each province.

The Speaker (Mr. Slade): Ministry of Education?

Mr. Kariuki not here yet?

Dr. De Souza?

Is any Minister in a position to answer for the Vice-President?

Mr. Munyi: Mr. Speaker, Sir, since most of the Ministers who were supposed to answer all these questions are not present, can you not give a directive that they be called to come to the House?

The Speaker (Mr. Slade): I am afraid I cannot, but you will observe that some of the Members who were due to ask Questions are also not here.

We will have Mr. Mwatsama's Question again.

Question No. 146a

Mr. Mwatsama asked the Vice-President and Minister for Home Affairs to state how many motor-car accidents had occurred at Mariakani township on the Mombasa/Nairobi main road this year.

The Speaker (Mr. Slade): Mr. Nyamweya, you are prepared to answer?

The Minister for Power and Communications (Mr. Nyamweya): No, I am prepared to answer the next Question.

The Speaker (Mr. Slade): I see. We will have to leave that again for a moment.

Mr. Munyi, your Question.

*Question No. 167***DISTRIBUTION OF BANNED PUBLICATIONS**

Mr. Munyi asked the Vice-President and Minister for Home Affairs to state—

(a) if he was aware that, although a number of publications had been banned the distribution was being done from abroad without the consent of the people who received them;

(b) what immediate action the Government was taking to ask publishers abroad to stop sending such publications to people who had not asked for them;

(c) what action the Government was taking to defend innocent people who received those publications without their consent.

The Minister for Power and Communications (Mr. Nyamweya): Mr. Speaker, Sir, I beg to give the following reply on behalf of the Vice-President.

(a) I am not aware that distribution of banned publications is being done from abroad without the consent of the people who receive them.

(b) It is the responsibility of any individual who receives such publications to instruct the publishers abroad not to send them if he does not require them.

(c) All citizens have the right to prove their innocence before the Court of Law and the Government always provides the necessary assistance according to the law.

Mr. Munyi: Mr. Speaker, Sir, arising from that answer which has been given by the Minister, is he aware that not only individuals, but even hon. Members including Ministers, have been receiving some publications, and they are always kept in their pigeon-holes? Not only that, but even badges are being distributed among the Members without their consent. Therefore, it is up to the Minister to answer the question which has been asked, because I can prove many publications are sent to us without our consent. What about innocent people in the countryside? They are in trouble.

Mr. Nyamweya: Mr. Speaker, Sir, the law provides that in a case where an individual gets some publications without his knowledge, he can either surrender the publications to the nearest police station, to the appropriate authority, or destroy them.

The Speaker (Mr. Slade): I think we should go on now, but if the hon. Member could bring to my notice any specific case of a banned publication being distributed to Members in their pigeon-holes, I should be very grateful.

You have a supplementary question on this, Mr. Jahazi?

Mr. Jahazi: Yes, Mr. Speaker, Sir. In view of the fact that these publications pass through the post office and through Government machinery before they are delivered here or elsewhere, would the Minister make sure that not a single banned publication is processed through the post office to each an individual, it should be confiscated there, before it reaches an individual?

Mr. Nyamweya: Mr. Speaker, Sir, the hon. Member asks almost an impossible thing for the post office to do. What, in fact, he is suggesting is that the post office should sort out or read the mail which is being sent to recipients, and this would be contrary to the accepted norm of the post office.

Mr. Kebaso: Mr. Speaker, Sir, is it not illogical and unwise for the Government to prosecute people who receive Chinese documents, when we already have the Chinese Embassy in Nairobi?

Mr. Nyamweya: Mr. Speaker, Sir, it is possible that you can have an embassy of a friendly country in Nairobi while some other people in that country may be distributing publications which are proscribed or objected to here, just as it is possible to have publications made by the nationals of this country which can equally be proscribed. It is the content of a document which is objectionable, not the representation of a foreign delegation in the country.

The Speaker (Mr. Slade): We must go on now. Is any hon. Member authorized by Mr. Kariuki to ask his Question?

Question No. 176

E.A. POSTS AND TELECOMMUNICATIONS HEADQUARTERS MOVE TO KAMPALA

Mr. Shikuku, on behalf of Mr. G. G. Kariuki, asked the Minister for Power and Communications to state—

- (a) if objections lodged by the Kenya Government to "the hurried and unplanned move" to transfer East African Posts and Telecommunications Headquarters to Kampala had been resolved or withdrawn;
- (b) if he was in a position to disclose the expected cost of the said transfer;
- (c) if he was satisfied that any move to transfer the Posts and Telecommunications Headquarters from Nairobi to Kampala would not in any way affect the development of our Posts and Telecommunications.

The Minister for Power and Communications (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply. It is true that the Kenya Government has had some anxiety over the way in which the move of the Headquarters of the East African Posts and Telecommunications to Kampala was being carried out. This matter, however, has been discussed at length, both in the Communications Council where I am a member, as well as at the meeting of the Authority, and the differences have now been resolved. It has been agreed that there

will be a planned move of the Headquarters of the Posts and Telecommunications from Nairobi to Kampala to be phased out so that by the end of the year most of the personnel required to move to Kampala will have moved.

Mr. Mbogoh: Arising from that reply, Mr. Speaker, will the Minister tell the House how much money was involved in this move, especially where families were moved to Kampala, and then they found there was no accommodation and they were returned to Nairobi?

Mr. Nyamweya: It is not correct to say that families have been moved to Kampala and found that they did not have accommodation there. It is true to say that this move will involve additional expenditure on the part of the corporation. I would like to reveal that the cost of the physical move of staff and office equipment is estimated at about £32,000. Members should naturally expect that this move will necessitate, at any rate until the move is complete, some offices having to be run both in Kampala and in Nairobi.

Mr. Shikuku: Arising from that reply, Mr. Speaker, will the Minister tell the House whether they have already made any preparations to receive these people as far as housing, schooling, and so forth, is concerned? Have those arrangements been made for the staff before they move by the end of this year, and will there be any discrimination when they get there, such as we have read in the Press, where some Kenyans have been asked to go away, and so on?

Mr. Nyamweya: Mr. Speaker, I would like to urge the hon. Member for Butere not to believe everything he reads in the Press. In the case of the welfare of the officers of this corporation who will be moving to Kampala, I would like to assure the House that the Uganda Government will cooperate to see that the children of these officers get places in schools in Uganda.

Mr. Muliro: Arising from the Minister's reply, would the Minister not agree with me that the Posts and Telecommunications' development in Kenya, because of money which is being transferred for the building of new offices in Uganda, is going to be hampered in Kenya?

Mr. Nyamweya: Mr. Speaker, Sir, I am glad that the hon. Member has raised this point. It has been the Kenya Government case all along, in the question of deciding how and when the move of this corporation to Kampala should be carried out, that when this is being done no money devoted or already allocated for development, in Kenya, Uganda, or Tanzania, should be diverted for the purpose of carrying out the move of the headquarters. This principle has been accepted, both in the Communications Council,

[Mr. Nyamweya] as well as at the last meeting of the Authority, that is the three Presidents of East Africa. It has been agreed that money already allocated for development will be used specifically for the development for which it had been originally allocated. In regard to the move of the headquarters, whatever finances are used will have to be obtained from other sources.

Question No. 161

FORM V ADMISSIONS, 1969

Mr. Omar asked the Minister for Education to state—

- (a) how many students had been selected for admission into Form V in 1969;
- (b) how many had come from each Province.

The Assistant Minister for Education (Mr. Khasakhala): Mr. Speaker, Sir, I beg to reply. (a) A total of 2,302 Form IV school-leavers were selected and offered Form V places in Higher School Certificate schools all over the Republic this year.

(b) Selection of candidates for admission to Form V is done extra-provincially and is based entirely on performance in the School Certificate examination. The province of origin of a candidate is not normally taken into consideration when the candidate is considered for admission to Form V.

Mr. Omar: Mr. Speaker, Sir, arising from that reply by the Assistant Minister, does he agree with me that he does not want to disclose the provinces where these students come from because there is an imbalance which he does not want to correct?

Mr. Khasakhala: Mr. Speaker, I would like to assure the House that if hon. Members think that there is any imbalance, and they bring it to the notice of my Ministry, we can look into this; but as far as I know, any boy or girl throughout the Republic of Kenya, who performs well in the School Certificate and obtains the necessary credits which are required for Form V, is considered throughout the country and will get a place.

Mr. Speaker, Sir, let me make this clear to the hon. Members. It may be that a boy from Kapenguria has obtained a Form V place somewhere in Nairobi; it does not necessarily mean that that boy from Kapenguria is from the Rift Valley because schools throughout the country cater for boys of Kenya, and any boy who qualifies, and if he is admitted to a school in Nyanza, he may be a Mluhya. Now, how are we going to find out whether that boy who has been

admitted to Nyanza, who is a Mluhya, comes from Western Province when he gets admission to Form V? Mr. Speaker, Sir, it is a complicated matter which I think my Ministry cannot get into.

Mr. Omweri: Mr. Speaker, Sir, is the Assistant Minister not actually evading the question because the issue is not tribal origins but provincial origins, whether these schools have been catering for a Kisii or a Jaluo or a Mluhya in Central Province or in Coast Province, where these schools are situated. How many students from these provinces went on to Form V, is the issue; it is not the tribal origin.

Mr. Khasakhala: Mr. Speaker, we have understood, from previous experience, that whenever someone asks for a district or provincial breakdown, that comes to tribal breakdown. Mr. Speaker, Sir, as far as I know, nobody who qualified was refused a place in Form V. If the hon. Member can draw the attention of my Ministry to any boy from any province who was discriminated against, and had passed his School Certificate well, we will look into this.

Question No. 177

PAYMENT OF S1 TEACHERS, KENYATTA COLLEGE

Mr. Shikuku, on behalf of Mr. G. G. Kariuki, asked the Minister for Education if he was aware that teachers who went to Kenyatta College for S1 training did not get 80 per cent of their pay like those who attended other colleges of similar training.

The Assistant Minister for Education (Mr. Khasakhala): Mr. Speaker, Sir, I beg to reply. I am aware that PI teachers attending a one-year S1 course at Kenyatta College do not receive any part of their salary. One of the conditions for sponsoring teachers to this course is that they agree to go without salary. As this is the only PI/S1 course in the country, there are no other teachers getting 80 per cent of their salary attending a similar course.

Mr. Shikuku: Mr. Speaker, Sir, could the Minister tell the House why he made this condition, that it would be only on the condition a person would not be given any percentage or any salary if he joins this course? Is he aware that the students agreed to this because they wanted the job, they wanted a future? Is the Government hereby supporting free services in this country without any payment, and if so, how do they live; how do they buy their razor blades or soap or things of that sort?

Mr. Khasakhala: Mr. Speaker, Sir, there is no free service here. Let us face the truth. If you are in training, you are not serving, you are training to come out and serve. These S1 teachers

[Mr. Khasakhala]

who are PI or ex-PI teachers, when they come out of their training, their basic scale, Mr. Speaker, is £378. When they are considered for SI courses, and they come out as SI after only one year's training, they automatically rise to £684. They do not lose anything within that year. However, Mr. Speaker, Sir, let us again face the truth. If the Government were to pay these teachers while they were undergoing their promotion courses, this would cost Kenya £50,000 for the people in training only. What about the other services? The Ministry of Education is one Ministry, Mr. Speaker, which has a lot of services which require money, and if we are to pay teachers when they are still in their training course, Mr. Speaker, we will be doing injustice to the taxpayers of this country.

Mr. Mwamzandi: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he not aware that it is necessary for these teachers to have at least, if not 80 per cent of their salary, some percentage of their salary due to the fact that they leave their wives and children at home, and it should be necessary all that time for the family to have something to keep them until the teachers come out of that college?

Mr. Khasakhala: Mr. Speaker, who knows whether all these teachers are married? Some of them might not be married. Let us face the truth Mr. Speaker. There are hon. Members of this House who would not agree to an increase of £50,000 in the Ministry of Education Vote to pay teachers on the courses. I am very sure they would not agree to it.

Mr. Kago: Mr. Speaker, Sir, arising from one of the answers, and knowing that these teachers go to this teachers' training college having been teachers before, and having been working in the Ministry before, and so considering that this kind of training is the same as other kinds of training that are called in-service training in other Ministries and in other departments in Kenya, why has the Government not seen fit to give them this money or something since they also give salaries to those who are also doing in-service training in other departments?

Mr. Khasakhala: Mr. Speaker, Sir, this is a very complicated matter because in-service courses of other departments do not take place for more than one year. Some of them are only for three months and some are for six months. Now here is a teacher out of classroom who is being promoted in order to receive, Mr. Speaker, an extra increment, immediately after that course, of £306. He starts, Mr. Speaker, with an increment of £306. If he has been teaching, definitely Mr.

Speaker, he should have been making some saving and from this saving, he should be able to look after his family.

Question No. 172**INCREASED NUMBER OF ROAD ACCIDENTS**

Mr. Munyi, on behalf of Dr. De Souza, asked the Minister for Power and Communications if he would tell the House whether, in view of the increasing number of accidents on the Kenya roads, particularly on the Nairobi/Mombasa Road involving trucks and tankers, he would consider the following:—

- (a) Making it compulsory for all trucks on the Nairobi/Mombasa Road to have speed governors which would make it impossible for a truck driver to drive at more than 20 m.p.h.
- (b) Making it compulsory for all trucks on the Nairobi/Mombasa Road to have two drivers on each truck, so that when one driver was tired the other took over.
- (c) Making it a criminal offence for a truck driver to drink any liquor whatsoever when on duty, and prohibit bars and shops on that road from supplying truck drivers with any liquor at all.

The Minister for Power and Communications (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply. In relation to (a) my Ministry is considering introducing regulations under the Transport Licensing Board which will cover the B licence and public service vehicles to install speed governors in their vehicles and other instruments which are likely to control the speed and the movement of these vehicles. I do not foresee that under this regulation a rule could be made to cover (b).

It is a practice which is being practised by a number of road transporters to have two drivers or at least more than one driver on the public service vehicles, not only along the Mombasa/Nairobi Road but also on the Mombasa/Kisumu Road. Some public transporters are already doing that. As to (c).

Sir, this is already a criminal offence where a driver is drunk while in charge of a motor vehicle.

Mr. Munyi: Mr. Speaker, Sir, arising from one of the replies, will the Minister tell the House, how long it is going to take before this check is brought into being? How long is it going to take?

Mr. Nyamweya: In fact, my Ministry issued these instructions long ago to Transport Licensing Board that these are going to be the conditions

[Mr. Nyamweya] of issuing licences. Those bus operators who have not installed their buses with speed governors may be in a danger of losing their licences if they do not comply with these requirements.

Mr. Okelo-Odongo: Mr. Speaker, Sir, in view of the fact that the railways are losing revenue, and they have had even to put fares up for passengers, would it not be a better thing for the Minister to reduce, if not stop altogether, the licensing of all these tankers on the roads?

The Speaker (Mr. Slade): That is not relevant to this question. Let us go back to Mr. Mwatsama's question, if anyone can now answer for the Vice-President. Can anyone answer Mr. Mwatsama's question?

Question No. 146A

CAR ACCIDENTS, MARIAKANI TOWN

Mr. Mwatsama asked the Vice-President and Minister for Home Affairs if he would tell the House how many motor-car accidents occurred at Mariakani Township on the Mombasa/Nairobi Road that year.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Matano): Mr. Speaker, Sir, I beg to reply. 18 motor accidents were reported to have occurred at Mariakani Township during the period 1st January 1969 to 28th May 1969.

Mr. Mwatsama: Arising from that reply Mr. Speaker, Sir, is it not time now for the Minister to consider installing roundabouts at Mariakani Township so as to enable drivers to slow down their motor cars when passing through this township?

Mr. Matano: Mr. Speaker, Sir, the question of putting up roundabouts in towns or on the roads does not really come under our Ministry. However, I am sure that this is one of the things that may be considered for adjustment.

QUESTIONS BY PRIVATE NOTICE

DISMISSAL OF KENYA NATIONALS FROM EMPLOYMENT IN UGANDA

Mr. Kago: Mr. Speaker, Sir, I beg to ask the Minister for Labour the following Question by Private Notice.

According to Wednesday's (4th June 1969) *Daily Nation* issue, nine Kenyans were sacked by a Uganda firm under the Ugandanization policy:—

(a) What immediate arrangements does the Kenya Government have to get these Kenya nationals employment?

(b) What arrangement does the Government have to cater for such eventualities should they arise in future?

The Minister for Works (Mr. Mwanyumba): Mr. Speaker, Sir, I beg to reply. It is true that nine Kenyans were dismissed by a firm in Uganda. If the nine Kenyans could report to the Senior Labour Officer or to any of the country's labour exchanges, efforts will be made to find them corresponding employment with firms engaged in similar activities in the country.

(b) It is true that nine Kenyans lost their jobs with a Uganda firm under the Ugandanization policy. Hon. Members will appreciate that any sovereign state has the right to enact any legislation it may deem fit in pursuit of its own interests. The Uganda Government is merely exercising this right. Hon. Members will also recall that the recently enacted Kenya Immigration Act was aimed at ensuring that Kenya citizens were given opportunities to take any employment opportunities which were hitherto available to non-citizens. Nationals of the two partner states in the East African Community have so far been exempt from this provision, and although some Kenya nationals in Uganda and Tanzania have lost their jobs in favour of nationals of the two countries, Kenya has not taken any retaliatory action so far. The Government is currently making arrangements for discussing this tricky issue with the Governments of Uganda and Tanzania.

Mr. Kago: Mr. Speaker, Sir, arising from that answer, especially part (b), where the Minister says that they are considering discussing this tricky issue with the other member states of the East African Community, would the Minister consider, so that these other Governments also understand that we are also people who can do things and take action, to take retaliatory action straightaway by forcing out the same number of people from employment in Kenya to make room for those who are now coming from Uganda, tit for tat, an eye for an eye?

Mr. Mwanyumba: Mr. Speaker, Sir, the Government of Kenya does not intend to take any retaliatory measures at all and will never do that.

An hon. Member: Weakness.

Mr. Mwanyumba: It is not a question of weakness because how can the Kenya Government be accused of being weak? What is happening at the present moment, Mr. Speaker, is that the three Labour Ministers, that is the Labour Ministers of Kenya, Uganda and Tanzania, are actively discussing this issue in a much wider range, and I am told that they have not reached any agreement at all, but certainly the matter is being discussed by the three Labour Ministers.

The Speaker (Mr. Slade): I would remind hon. Members of the rule that friendly countries may not be criticized except by way of substantive Motion. I only allowed this question because it did not imply any criticism and it only asked what our Government was going to do to help such people in such circumstances. We can continue asking questions on those lines, but we must not discuss any retaliatory action against such countries by way of question.

Mr. Makone: Mr. Speaker, Sir, arising from the reply from the Minister in (a); did the Minister imply that these people will be given special consideration if they report to any labour office in the country and therefore avoid any embarrassment which might be caused to them or their families and so forth? Therefore, will they be given special treatment and not be treated like other people?

Mr. Mwanyumba: Yes, I said that the Ministry of Labour will do everything it can to assist these persons displaced in Uganda, in order to avoid family embarrassment and so on. The Government will do what it can to talk it over with the corresponding firms in the country to see that these people are given employment.

The Speaker (Mr. Slade): Next question by Private Notice. Mr. Munyi?

ILLEGAL ARREST IN EMBU DISTRICT

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

Is the Minister aware that during the last few weeks, more than ten people have been illegally arrested in Embu District without the knowledge of the district commissioner or local chief under the pretext that they were in possession of game trophies, which, in actual fact, were old animal skins which for many years had been used as bedding?

The Minister for Tourism and Wildlife (Mr. Ayodo): Mr. Speaker, Sir, I beg to reply. I am not aware that game wardens have made any illegal arrests in the Embu District as claimed by the hon. Member. I am aware, however, that game wardens have made a number of arrests recently against persons who were found in possession of game trophies and animal skins. These alleged offenders were subsequently tried in a court of law by a competent magistrate who found them guilty of the offence as charged.

I wish to inform the hon. House, Mr. Speaker, that it is not the intention of game wardens to harass innocent people. Game wardens have in-

structions to talk to the people about the value of wildlife in Kenya and to explain that the laws have been enacted to protect this valuable resource against offenders. It is only after people have ignored these appeals that the game wardens are compelled to arrest persistent offenders and charge them in a court of law.

Under the law, a game warden is not obliged to inform any officer of the Government of his intention to arrest an offender, although in the interests of smooth administration, the district commissioner of the area is always informed of the activities of the other Government officers.

Mr. Munyi: Mr. Speaker, Sir, arising from that long answer from the Minister, is the Minister aware that arising from very many complaints, this practice has been going on not only in Embu but in districts like Machakos, Kitui and other places, and every time we have been reading in the newspapers about the complaints from all these parts? Mr. Speaker, Sir, will the Minister direct these game wardens that whenever they want to take any action they should inform the local chiefs as well as the district commissioners so that they will be given a good directive, rather than taking the law into their own hands, Mr. Speaker, because this has been happening and I have got letters?

Mr. Ayodo: Mr. Speaker, Sir, in my answer, I made it clear that any Government officer acting according to a certain law need not inform all the other Government officers of his intention to apply the law, although, as I said, in the interests of good administration, the district commissioner and, therefore, his other staff—the district officers and chiefs—usually know of what the game warden and games scouts are doing in a particular area.

Now, referring to the other question about the widespread nature of this type of complaint, I would like to inform the hon. Member that I am already aware of quite a number of similar cases which come, in fact, from the other hon. Members from Embu. I am referring particularly to my hon. colleague, the Minister for Natural Resources who is a Member of Parliament from Embu, who informed me that he is holding a meeting on Sunday at Kiambere and that this question is going to be one of the main issues. I would like, therefore, to inform the House and the hon. Member that I have decided to send my Under Secretary to represent me on Sunday so that this question is listened to and answered on my behalf by my Under Secretary. I say this because I want the hon. Member and the House to know that it is not the intention of the Government to harass anybody. On the other hand, the

[Mr. Ayodo]

laws of the country must be applied and our wildlife must be protected because our wildlife is valuable to the country. We will do this only bearing in mind that this is to be done for the good of the people.

Mr. Odinga: Mr. Speaker, Sir, arising from one of the replies of the Minister, is he really aware that many Africans use animal skins as their dresses? If he is aware of that, what arrangements is he making that these people should continue to get their dresses?

Mr. Ayodo: Mr. Speaker, Sir, I am aware of the fact, and I know that the hon. Member himself owns quite a number of animal skins as his dress. What we have done, Mr. Speaker, Sir, is that I have instructed game wardens and game staff all over the country, to inform people who have been owning these skins to report the fact of the position to the game warden so that the position may be licensed. However, this has to be done very carefully because we will not agree to anybody going to kill an animal just because he wants to own a dress of skin. According to the laws of the country, all animals belong to the State, and nobody has any right to kill without the knowledge or permission of the State. However, skins which were owned say years ago, Mr. Speaker, Sir, I have made a provision for these to be properly licensed. If anybody does not report the fact of the position, then he will be arrested.

The Speaker (Mr. Slade): Let us go on hon. Members.

NOTICE OF MOTIONS FOR THE ADJOURNMENT

SHORTAGE OF SCHOOLS' EQUIPMENT

The Speaker (Mr. Slade): I have to inform hon. Members that on the Adjournment next Tuesday, on the 10th of June, Mr. Godia will pursue Question No. 54, concerning lack of equipment in schools which he was to have raised on Wednesday, this week.

RACIAL DISCRIMINATION IN TRADE LICENSING

The Speaker (Mr. Slade): On Wednesday, the 11th of June, having had Notice from Mr. Pandya that he wishes to raise a matter of racial discrimination in Trade Licensing, I have said that he may raise that on the 11th of June.

Mr. Mwithaga: On a point of order, Mr. Speaker, Sir, yesterday when we had a debate on a Motion to— Mr. Speaker, Sir, the Minister for Finance does not see properly, should I lend him my glasses? Mr. Speaker, Sir, yesterday when we were debating the Motion to delete Mondays from our Standing Orders, in fact I supported

the Motion, but the *East African Standard* reported me as having opposed the Motion. Does that not create a different picture, when actually that is not what I did? Can that be corrected through your instruction?

The Speaker (Mr. Slade): Yes, but it is not really necessary for the hon. Member to bring it as a point of order in the House. I am sure that a direct request to the newspaper concerned will achieve the desired result equally well.

MOTION

REVIEW OF AGRICULTURAL PRICE STRUCTURE

Mr. Khaoya: Mr. Speaker, Sir, I beg to move the following Motion:—

THAT, in view of changed circumstances, and in realization of the part played by agriculture in our economy, this House requests the Government to review the price structure for agricultural produce with a view of giving a fair return to the farmers.

Mr. Speaker, when moving this Motion, I am very much aware that the advancement of Kenya's economy, shall remain and shall depend solely on the advancement of agriculture. When you look at the situation, at the moment, Mr. Speaker, it is to the contrary. We have gloom everywhere; we see falling prices on the world market everywhere, let us take the question of tea, Mr. Speaker; you find, say, from the latest report by Mr. Alfred Viton, who is the head of Tropical Beverages and Products Division of the Food and Agriculture Organization. He reports Mr. Speaker, of the difficulties which we are going to have to face in the tea industry. For example this year, we have had a conference, we intend to have another conference in July, and maybe another one in September, and all they are going to discuss is how they can reduce the sales of tea on a quota basis, which, as everyone knows, is mainly based on traditional averages, and since African countries, including Kenya, have not been doing very well for the last five years, Mr. Speaker, so all is not well with the tea industry.

If you look at coffee which is one of our main crops in Kenya, and if you read the report of last week, especially in our most informative papers, the *East African Standard* and the *Daily Nation*, you find that the prices in London auctions have been falling very rapidly. From, say, Sh. 300 a ton to something like Sh. 250 a ton, and this also does not auger very well for our coffee industry.

We know, Mr. Speaker, of the situation in the sisal industry, it is almost in ruins, Mr. Speaker, we know of what has happened to our maize

[Mr. Khaoya]

and wheat. Only October last year, it was announced that there would be a reduction in the price of wheat of Sh. 5 on a bag, and a reduction of Sh. 3 on—

Mr. Kibuga: On a point of order, Mr. Speaker. I think there are some gentlemen there talking too loudly.

The Speaker (Mr. Slade): Yes, I agree. I would request all hon. Members to talk quietly, so that we can hear the hon. Member on his feet.

Mr. Khaoya: Thank you very much, Mr. Speaker, Sir. I was just saying that last year in October, we all realized what happened to our wheat and maize, when wheat was reduced by Sh. 5 a bag, and our maize Sh. 3 a bag.

This Mr. Speaker, shows the gloom which our agricultural community in Kenya, is subjected to. I think Mr. Speaker, when we realize that, it is time to look at the circumstances in the world and also in Kenya. I think circumstances have changed so much, that there is a need for us to review the price structures for all our produce in Kenya. At some time or at some stage of last year or the year before, we were told of the difficulties in the Suez Canal when it was blocked, but it is now no longer the case, because the Suez Canal has been closed for a long time. So I consider that, a circumstance which has changed. Mr. Speaker, we also, at one time, were subjected to the devaluation of British sterling, but now we have lived long enough for us to be able to adjust ourselves to that reasonably well. Mr. Speaker, Sir, if you look at the Meteorological Report for 1969, you will find that our rains have been very late. We have had a very long drought and surely the effects will not really be felt until some time next year.

If you look at newspaper reports daily, say the Kenya Gazette, you will always find on the other hand, that every time there is a court case between the trade unions and some employers, wages are raised. You will never find a court case where it was decided to reduce wages. The wages are either raised or left as they are.

When you consider these circumstances and then compare them with the falling prices or agricultural produce, I think you must come to the conclusion that we definitely require a review of our price structure, so that we may give the farmer his fair return.

Mr. Speaker, Sir, in my moving the Motion, I stated that agriculture plays a very vital part in our economy and I would like just to justify that. In some countries they have minerals. In

Kenya, we have a small amount of minerals contributing to our economy. Looking at our Mines and Geological Annual Reports, let us say for 1966, you find that we have a variety of minerals totalling about 26 items. When you look at the number, it is big enough, but all that we get from them, Mr. Speaker, and I should say that they are quite many, ranging from asbestos, barytes, gypsum, gold and silver, all that we get from them is something like half a million long tons—I hope the House knows the difference between a long ton and a short ton.

An hon. Member: Tell us, we do not know.

Mr. Khaoya: A long ton is 2,240 lb. and a short ton is 2,000 pounds. Anyway, I am now talking about long tons, and for this Mr. Speaker, we only get £3.8 million per annum. This is not very much. Gold, which is one of those precious minerals which fetches a lot of money in other countries, we have only something in the region of 12,000 ounces, and not pounds. If you put that into pounds, you will not have many pounds of gold, and Mr. Speaker, the whole of the mining industry employs only about 1,000 people.

If you look into our recent report, and I think it was only this morning that it was reported in the *Daily Nation*, that our only mine in Kenya, the Macalder Mines in South Nyanza, is to be closed this year, according to a report from the Commonwealth Development Corporation, so we are likely to have no gold at all. If you continue further Mr. Speaker, and also if you want to keep an eye on the economy and look at the gross revenue from our agriculture, we have something in the region of £67 million total gross revenue. This is something quite considerable when you compare it with for example the gross revenue which we get from our minerals of about £3.8 million. If you also look at the gross product or the capital formation in Kenya, agricultural definitely plays a very vital role indeed.

Mr. Speaker, when you have these facts I think you must rightly come to the conclusion that it is time we reviewed our position and tried to give a fair return to the farmer. But, Mr. Speaker, time and again, we have been told that we are subject to world prices and that we can do nothing about this. That point has been well taken and I agree that we can do very little on the world market. All that we are trying to present to our Government today is that it should leave the impossibles alone and deal with those that are possible, and when I say those which are possible, I immediately look on our home front: that is our internal marketing organization. I think it is very faulty indeed, and I will give a few examples

[Mr. Khaoya]

to show that we can do quite a lot to improve the income of our farmers just by looking at the internal organization of our marketing system.

Mr. Speaker, last year we were told that the price of maize was to go down to something like Sh. 17, Sh. 21 or Sh. 25 according to the Maize and Produce Board, and the reason they gave was because the world price was going down. Today, I am pleased to say, and I would also like to thank the General Manager of the Maize and Produce Board, that our maize today is fetching on the world market Sh. 417/50 per ton, which represents a figure of nearly Sh. 40 per bag. So why should our Government not reconsider the price they announced last year of Sh. 25 a bag? Why should they not reconsider that? I think here is a case for review in the case of maize. Mr. Speaker, it is only a few days ago when I was debating on the Presidential Speech, that I put up a case on the price of milk. I do not want to go to the details of this, but all that I want to say is that at the moment, one gallon of milk is being sold by the producer at Sh. 2/40 a gallon.

Hon. Members: You are lucky. Where? It is one shilling.

Mr. Khaoya: Hon. Members say that it is even lower and I will agree with them, but let us take Sh. 2/40 a gallon.

An hon. Member: No, take Sh. 1/50 a gallon.

Mr. Khaoya: My colleague says he sells his at Sh. 1/50 a gallon, which is very bad indeed. You will find at the other end according to my argument, our hotels which sell this milk in glasses for 50 cents each or in other cases you buy milk at one shilling a glass, and according to the calculations we had in this House, there are three glasses in one pint and there are eight pints of milk in one gallon. Somebody is getting more than Sh. 12 for that same gallon and for that matter, my hon. colleague tells me that somebody is getting Sh. 24 for that one gallon, which I as a farmer sold for Sh. 1/50. If the public have been trained to buy this milk for Sh. 24, if I may borrow the figures my hon. colleague gave me, if the public can buy this milk at Sh. 24 a gallon, surely it is possible for our Government, by adjusting the prices to the producer, at least to give him more than two-thirds of the price because he is the man who is producing that milk? I was very generous indeed as I was working on the figures of Sh. 2/40 versus Sh. 12. In my case, I think a gallon of milk should bring to the producer from Sh. 8 to Sh. 10 a gallon. If, on the other hand, somebody is selling it for Sh. 24, I think here is a case where we could review our internal marketing organization.

There is the question of meat, which caused a lot of controversy only a few months ago. This made those of us who are interested in farming visit the Kenya Meat Commission at Athi River. I see my hon. colleague, hon. Munyi who was with me there nodding his head. We went there and one of the things we saw there was meat Grade 3, Grade 4 which was being sold to the butchers for about Sh. 2/70 a kilogram. When you come to Nairobi today, in Mariakani or Pumwani or wherever you go, you will buy that same meat for about Sh. 5/50 or for Sh. 6 a kilo. or for any amount they choose and you will not be able to know what grade you are buying; whether it is third, fourth or fifth or even tenth. You will just buy meat for Sh. 6 a kilogram. Surely, there is something definitely wrong somewhere? There is exploitation of man by man. This is something that we should go all out to stamp out. Then, of course, Mr. Speaker, we are told there is a committee in Kenya which deals with prices. We also hear that there is a Ministerial Price Control Committee. What do these gentlemen do?

Hon. Members: They never meet.

Mr. Khaoya: What do they control? I think it is time we demanded to know their names and what meetings they have had—whether they have ever met with anybody in Kenya or whether they meet with papers in their offices; and if that is the case, whether they should not to be scrapped all together. I do not think that committee or those committees for that matter serve any useful purpose in Kenya. If they are determined to help in the question of prices, they should go out and meet the people who are concerned with the prices. In our case, they should come out and meet the farmers. Thus they would be able to hear their grievances and see whether they can reconsider their cases. I think the time has come when we should do away with those committees. We should in place thereof employ some agricultural economists purposely to work on the basis of these facts and see whether they can give us a better price system.

Mr. Speaker, I consider the fairest way of rewarding a farmer is to consider his expenses. That is the amount he spends in the production of a product. Then, adding something reasonable for the depreciation of his machinery if he has any; and, on top of that, allow him a profit of 15 per cent since one cannot live on losses but on profit. If we adopted that measure, then all the anomalies we have in Kenya might be alleviated. For instance, let me take the example of maize which I have referred to on so many occasions that people have started referring to me as the Member for maize. However, I am not worried

[Mr. Khaoya]

about that. It takes about Sh. 350 for a farmer to produce one acre of maize. From one acre, one gets about 15 or 20 bags of maize, after spending Sh. 350 if one is economical. Working on the basis of the present price although Mr. Kariuki tells us Sh. 25 what in fact one gets as net price is in the region of Sh. 20 per bag. Working on the basis of average production in Kenya today which is something under 15 bags per acre, one gets a gross income per acre of something like Sh. 300 whereas one had invested Sh. 350 in the acre in question. How can one expect farmers to live on these losses? They can only live on profit. I think there is an urgent case here. I only here plead with the hon. Members that we subject our Government to these facts so that they may respond and do something to that effect.

When I say this, I do not in any way reflect the inefficiency of the Ministry of Agriculture as such. I should say a kind word to them. In the person of hon. Lieutenant-Colonel Bruce McKenzie and his deputy I think we have had first class services. Here it is not the question of the Ministry of Agriculture alone. This is simply because the prices in the final analysis are determined by the Treasury. They are the people who matter and we have to tell them in simple language.

An hon. Member: Where is Mr. Gichuru?

Mr. Khaoya: It is no use for us simply to blame the Ministry of Agriculture when we know that the whole thing is determined by the Treasury, where they say, for example, we have to subsidize so much and we cannot waste money. Of course the Government should subsidize. This should be done, especially when one takes into account the developed countries where agriculture has always been subsidized.

Mr. Speaker, Sir, because I can see that my hon. colleagues are bound to help me, I beg to move.

The Speaker (Mr. Slade): Who is to second you.

Mr. Khaoya: Mr. Munyi will second me, Sir.

Mr. Munyi: Thank you very much Mr. Speaker, Sir. In fact, Mr. Speaker, I was one of those people who wanted to table a question in this House some time ago when the prices of wheat and maize were reduced. I have therefore every right to second this Motion.

Farmers always try their level best to work as hard as they can on their farms. Our people have already agreed to go back to the land. This has been the call from the President. Our President

has constantly been telling our people that they should go back to the land. It is an established fact that our people have gone back to the land. They grow, for example, maize. As the hon. Member has argued, when you grow one acre of maize, you get at least ten bags of maize. The expenditure on the hand is quite high. The expenditure soars to more than Sh. 350. The present price of maize is only Sh. 25 per bag. Using simple mathematical calculation, the return per acre is only Sh. 250. This means that you work in your farm, but when the time of the harvest comes you get nothing.

Mr. Speaker, Sir, let me avail myself of this opportunity and accuse some of the big powers. The hon. Assistant Minister, Mr. Josiah Kariuki will agree with me that when he recently went to a meeting in Rome he made excellent representation. This is because he accused the big powers of trying to monopolize things and of trying to dictate us by way of sabotaging prices of commodities which are grown in the newly liberated States of Africa, and also those commodities which are grown in the Asian countries.

The prices of other commodities are rising daily. If prices of other goods are rising, what assistance will our farmers get? What is the use of working very hard in our farms if the return is nothing? There is no use. I am therefore appealing to the Ministry of Agriculture to take immediate action. A meeting should be called by the Ministry so that they can consider ways and means of trying to help our farmers. If we are to sit and thereby take no action, we shall be in trouble. We shall always be accused by our farmers that we are responsible for the reduction of the prices of these commodities. What reasons can we give for a case of this nature? When a farmer goes to a shop and he wants to buy goods or by-products of the farmer's commodity, he finds the prices very high. There are many by-products of the commodities produced by the farmers. The prices of these by-products is always very high. I can give an example of a simple commodity, that is cotton. I know when you want to buy a by-product of cotton, that is sim-sim oil, or if you want to buy one pound of ghee, you cannot manage because the price is so high. By that I mean that an ordinary person will not be able to do that. Taking the first case, the sim-sim oil is a by-product of cotton. But, by the way who grows cotton? It is grown by the common people. They are the majority of people whom we represent. They are people who are in the rural areas in such places as Kisii, Bungoma, Embu and so forth. They are the ones who produce such commodities like maize and cotton. They are just ordinary farmers.

[Mr. Munyi]

The hon. Mover of this Motion the hon. E. B. S. did mention one very important thing. Whenever, a case is heard in the Industrial Court, the wages of the workers are increased. But what about the fate of farmers? By the way I am a member of Industrial Court. The farming section of our population constitute more than 90 per cent of Kenya's population. It is high time that the Kenya farmers were helped.

I have another example which I am going to give. There was some time back in my district—Embu, the lower part of Embu, and the hon. Minister, Mr. Ngei knows this very well, for he is well acquainted with a case where the people of Machakos were told to plant more sisal only to be told later that there was no market for sisal. A campaign was going on everywhere.

An hon. Member: Does he agree it is true?

Mr. Munyi: He has agreed that it is true. I have been to the Minister for Agriculture now and then appealing to Ministry officials and telling the Minister himself that in Embu there are many people who have sisal and sisal products, but there is no market for them. They are told that if they want to sell their sisal products, the price will be less than the amount of money they used when planting that sisal. The same thing is happening with maize now. We should be told what is going on. There is something wrong somewhere. It was not long ago that we were buying maize from America at Sh. 60 a bag, and that was for yellow maize which is only supposed to be used by pigs. Now we have very good maize, white maize, but the amount which is paid for one bag is only Sh. 25, but after the cess which is paid to Government it goes down to Sh. 18 a bag. This is known, because when you go around you are told that you must pay the cess, you have the self-help group, you have to do this or that. There are many other ways, and they are completely bottomless, in the way that money is taken from the farmers.

This is an issue which is quite explosive. It is not one which should be taken lightly. I would like to appeal to the Minister, the hon. Josiah Kariuki, when he speaks this morning to tell us what has been going on in the international markets, what has been going on in Rome, London, New York. Meetings are always being held there, and many officials go there to represent us. I do not know what happens when they go there, they tell us that the discussions last for months or weeks, but when they come back we are told that it was to do with world markets, and by-products. Take the price of clothes in the shops.

It has already gone sky-high. All the time the prices are going up, and these are the by-products. Why is it that ever since we started growing cotton, the price is only 40 cents? We start growing something else and the price goes down? Now we are told by the Ministry officials that we should plant macadamia—there was a Motion about it last week. People are moving from place to place telling us to increase the acreage of macadamia, but within a short time we are likely to be told that there is no market for macadamia, because it is being supplied by another place.

With these few words, Mr. Speaker, Sir, I beg to second.

(Question proposed)

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, I rise to—

Hon. Members: Support, support.

The Minister for Housing (Mr. Ngei):—to congratulate the hon. Khaoya for the keen interest— Mr. Speaker, Members should let me finish my sentence.

I rise to support the hon. Mover, the hon. Khaoya, for his interest. I have watched his keen interest in agriculture, and of course as Vice-President of the Kenya National Farmers' Union, I agree that we must be in a position to know the problems which face the farmers in Kenya today. Therefore, I rise to support the Motion, not only as a Minister but as a farmer as well. I am saying this, because otherwise someone will accuse me of having a interest, but since farming cannot be considered on the same basis as other businesses—it is a basic and fundamental way of livelihood—I think I am entitled to be a farmer.

Mr. Speaker, Sir, this is a very important Motion, and that is why I took the trouble to ask your permission to speak so that I can contribute a little towards the intent of this very important Motion.

Mr. Speaker, it has been said that farmers make money.

An hon. Member: Good farmers.

The Minister for Housing (Mr. Ngei): It is true that prosperous, hard-working farmers, after many years of hard work, conclude by making a little money, but because of the fluctuations of prices in the world economy, on the world market, they often find there is a slump and they lose money. Indeed, they struggle all their lives without earning anything. That is why it is important for us in this House, realizing that this is a country with an agricultural economy, to examine the price

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structure especially when related to our internal consumption. If we say, as the hon. seconder did, the hon. Munyi, that we have to base our price structure and review it by taking into account the world market, this is going to be very difficult indeed, because the prices in the world market fluctuate also. We know pretty well there is world competition in these things, and for example in methods of agriculture. Some other countries are very well advanced indeed, and they are in a position perhaps to subsidize a certain crop, and therefore they are able to reduce the price to meet their demands. I would like us to take into consideration—and I hope the Minister concerned will reply to this—that it would be good if we were to examine our price structure in relation to our internal consumption. If we base our price structure on the world market, I am sure we are going to find ourselves in the same trouble all the time.

A word of thanks must go to the Minister for Agriculture, and of course to the Government, because, lately, we have seen that the Government has taken steps to take care of the farmers by providing subsidies for fertilizers, and also by reducing the price of diesel fuel. I do not know if the hon. Mover said this, but the hon. Members know about it, they are well informed. A word of thanks must be given to the Government for taking steps to see that fertilizers are subsidized. Fertilizers are a principal item in agricultural operations, and also the price of diesel fuel was reduced only a few months back.

Coming back to internal consumption, Mr. Speaker, which I think is the main factor to determine the review of agricultural prices, let us look at the matter. We have a problem here, the Government has a problem, because of the workers. We know that quite a lot of people have come to town and they buy products such as maize meal, the consumption has gone up. However, on the other hand, you have the workers' organizations hitting at the Government all the time, saying that the price of such and such a thing has gone up, and therefore salaries must go up. Then the Government is again asked to review the wages of the workers, especially in the main towns. Therefore, a balance, an equilibrium must be kept between the farmer and the consumer. This is what, actually, the hon. Mover did not take into consideration. I do not want to accuse him of having a very strong interest in the farmers and forgetting the consumers and, therefore, the Government must keep a balance, an equilibrium, so that the farmers are not going to die of starvation and also that the worker

is not going to be hanged with a rope by raising the price of maize meal relatively higher than it should be.

Mr. Speaker, Sir, I want also to point out another minor point which, perhaps, the Mover might have spoken on. I was not here when he started speaking and I would have liked to be here from the very start. This is the question of the relative cost which comes on farmers in regard to mechanical accessories that make up, for instance, a tractor. Mr. Speaker, Sir, I am a farmer of a meagre income because the price factors do not favour me, and then I have a wheel-bearing which is broken. Now, it is known that we have of course prices for our mechanical accessories such as I have mentioned, as Tinken roller bearings which go to, let us say, a Ford 4000 or to a Massey Ferguson 165. The price goes up and the farmer is not at all helped in this way. In other words, this factor is not taken when the price of a certain commodity or product is reviewed by the Government Central Price Committee of in the Ministry of Agriculture. This is what the Government must, of course, see and I hope that the Minister will take note of this.

The prices of accessories go up relatively higher and higher. Every year we are told that the temtem bearings have gone up by 2½ per cent. What happens to the farmer? He is, of course, left out and, therefore, these are the things I am asking the hon. Minister to consider seriously. In short, the farmers go the hard way.

I want to come to a very important thing which was said by the hon. Mr. Munyi. This is of course about the Maize Produce Board. Now and again, let us take for instance, millet from Kitui, millet from Teso, millet from Nyanza around the valleys, millet from Embu and so on. Mr. Speaker, Sir, if we look at the price structure of millet, it is relatively lower than it used to be ten years ago. It is because of the profit factor that has been made, that the Maize and Produce Board is a viable statutory board, and I am asking Minister to take this seriously.

When the question of profit comes in, in the Maize and Produce Board, this is where the farmer is killed. We know that a statutory board must maintain its people. We know that it must maintain the storage and whatever facilities there are in case of serious consequences of a famine or invasion of locusts in this country. However, we must beware of the fact that the profit making of a statutory board, to slice down the prices of a farmer, is a more serious thing than we consider. I want the Minister, when he replies to

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this—and I know positively that he is going to accede in some degree to this Motion—to consider that a profit factor is most serious for a statutory board. It kills the farmer, it ends him outright and I want us to consider this very seriously. I know that Government is very sympathetic on this, and I know, Mr. Speaker, Sir, with our internal consumption, it becomes very difficult for this kind of structure.

Therefore, Mr. Speaker, Sir, I support the Motion, wholeheartedly, with the reservation that the Minister may make a minor amendment. Thank you.

The Assistant Minister for Agriculture (Mr. J. M. Kariuki): Mr. Speaker, Sir, my Ministry welcomes this Motion, with only minor amendments which I am going to move, and I believe that these good farmers will support my amendments. However, before I do so, I would like to begin by explaining to the Members the administrative machinery for setting out the prices. I would like to inform hon. Members that the constant review of prices of agricultural produce is not only the responsibility of my Ministry alone; it is also the responsibility of all other economic Ministers. There is a permanent committee of senior officers which deals with all aspects of cost and prices of all agricultural commodities, and they are the same people who make these recommendations to the Cabinet. For some commodities, the price reviews are an annual type of feature, and it is in the interest of the farmers and the producers themselves, that these reviews are carried out annually, on a regular basis rather than an *ad hoc* basis.

Now, you will find out that for 1970 and 1971 prices, we would like to inform the farmers that the committee, which is at the moment dealing with the review, will take into consideration the interests of all the farmers in the country and that they will definitely feel that the Government is not sleeping on their oil. However, I would like, with the permission of the Mover, and with due respect to whatever other hon. Members have said, in accepting this Motion, that we amend it by:—

Inserting after the word "House" the words "notes the action" and we delete the word "requests". "This House notes the actions the Government is taking", and then insert immediately after the word "Government" the words "is taking to review the price structure for Agricultural produce with a view of giving a fair return to the farmers".

The reason why I have said that Sir, is because my Ministry is, together with other economic Ministers, taking action as requested by the hon.

Mover of this Motion. Sir, I also made some statements before we adjourned the House last time, that the Government will definitely go into the details and try to make some sort of recommendations for the prices of crops because we have to give farmers fair return for their toil. I am, therefore, grateful to the Mover of this Motion, because it gives me the opportunity to also inform hon. Members and the farmers themselves not only of the changes that have taken place in the agricultural sector, but also of the action that the Government is now taking in the light of these changes. Unfortunately, I cannot go into details of all that the Government has done in the farming industry. The Motion accepts—and I agree with the Mover and the seconder and even with the hon. Minister for Housing on what he has just spoken—that agriculture is the prime mover of the economic growth of this country. I, however, appeal to the hon. Members that they should not feel that the people who are in the Government are sitting on the prices of our crops in this country. We would like to see that a fair return goes to the farmers, and appeal for greater stimulus to increase the agricultural produce in the farms.

If I may explain in short, Sir, as hon. Members would appreciate, the Government would wish to pay as high prices as possible to the producers, but is it not in many instances possible. For instance, we may not be able to do this for a number of reasons which I would like to explain to the hon. Members today, and these are (1) market limitation to terms of volume of supply and demand; (2) the ability of the consumers to pay a given price; and (3) the competition among various agricultural crops. Some people, Sir, may try to ask, "How can crops compete amongst themselves?" I would like to say that crops do compete amongst themselves. I would like to say that in addition to this, one has to take into consideration the economic and the financial implications which are given to various prices. You take, for example, crops like maize. Maize is, at the moment, competing with wheat for the land, because there are areas where you can plant wheat, but in the same areas you cannot plant maize. This is what I call the competition amongst the crops themselves. We have, therefore, to keep in mind, when fixing prices for these two crops, the relations between the two prices so as to achieve an optimum allocation of land between these two crops. You cannot plant some crops in the North-Eastern Province; you can plant some crops in the Coast, but these same crops will give a better yield in Central Province. That is what I mean by saying that the crops themselves compete amongst themselves.

[Mr. J. M. Kariuki]

Now, another example in this context is the competition between maize and cotton, for example, in Nyanza Province. There are areas where you can grow better cotton and you cannot grow better maize. In Busia, for example, you can get better cotton but, at the same time, I do not think that you can get better tea there. These are only a few examples which I would like to use to show the hon. Members what we have to take into consideration.

Now, Sir, in view of the economic and financial concepts combined with the market constraint, you cannot go and pick a price from a hat and say that this is the price for maize and this is the price for wheat; this is not possible. We have to look into the ability of the crop. You cannot put the price of maize at Sh. 40 or Sh. 50 and then you put the price of tea at Sh. 50 and then you put them in a hat and pick them out. This is impossible and cannot be done.

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

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

Now, Sir, what I feel is, in other words, the price has got to be at a level at which, in fact, you will get an output which has some relation to market demands and this will not erode the limited financial resources available to this country.

I must state here that it is declared Government policy that all sectors of the economy, including agriculture, should be self-supporting. In other words, no sector will be subsidized by moneys from public funds, because, if you do that, there are some other people in other areas who also are working hard to get other types of crops developed in their own areas. Therefore, you cannot continue for many years subsidizing these crops.

Despite this, Sir, you will have noted that very recently the Government has kept some sort of flexibility. As Members know, we are at the moment subsidizing fertilizers which are an important import for increased productivity. We are also subsidizing some other things like export maize. However, there is a limit to the subsidies that the Government can give and it is up to the producers themselves to raise their level of efficiency so as to be able to take a price dictated by the world market. The hon. Member from Embu wanted me to explain this competition from the world market. He is talking about sisal, but we know the reason why sisal has gone down the drain; it is because of synthetic fibres. Now, what can we do? These developed countries lend us money to come and develop our country—and

I have repeatedly said this in this Parliament—but at the same time they go back to their own developed countries and they invent some other things, they make other things. Now we cannot sell our sisal on the highest world market because of synthetics. Our pyrethrum industry is also threatened by the same synthetics. This is why we are saying that the only solution we have is to continue using better methods, getting more yields per acre, so that even if there is this world market competition, our farmers will be able to get more from their acreage than they are getting at the moment.

Therefore, I must make it quite clear that I am not suggesting, even for a moment, that I am not aware of the difficulties which our producers face; I understand them and, in fact, if I may say so, I know them better because I am a farmer. However, at the same time there are limitations. Even if we know what the problems are, we are limited by our resources.

Members will understand that ours is a developing country and what we have to do, Sir, is to increase our productivity and put more in the hands of the farmers so that they get more and more produce from their own acreage. I understand that you are conscious that we have to help the productivity of our producers to help them reduce their cost of production.

Mr. Komora: On a point of order, Mr. Deputy Speaker, it seems that the Assistant Minister is going to take the whole morning, and there is no way of our knowing whether he has finished his time or not.

The Deputy Speaker (Dr. De Souza): The Clerk, I am sure, even though he is out, is certainly keeping a check of the time.

The Assistant Minister for Agriculture (Mr. J. M. Kariuki): I was just wondering, Sir, whether there is any commodity planted in that area of the hon. Member.

I am going to say, Sir, that I must make it clear that reductions in costs can be achieved by two ways, namely the reduction in costs of inputs and also the increase in productivity. There are some problems about which the hon. Members may wish to know. I would like to say here now that maybe they are only looking at the crop itself. How about the machinery side of it? Maybe the hon. Members do not know that the machinery bought in this country is sold to us at more than half the price of that which they are sold in the United States and the United Kingdom. Now, Sir, when you buy this machinery here at such a high rate, that is where some of the problems arise. When the farmers buy this

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machinery and go back to their own farms in order to make money, it will take them some time. Why do we not come back and try to find a solution as to what should be done on the machinery side of it? That is why, Sir, it is sometimes difficult for us to compete with other countries where they make their machinery cheaper. This, Sir, is one of the most important points which the hon. Members should also learn. I can hear some hon. Members who look after their *ngombes* around Lake Victoria shouting at the back, but I would like to say that we are looking into ways and means of regulating this and I am hopeful that in the near future we will achieve some sort of success. That is why we, in the Ministry, are very delighted that this Motion was brought, because it gives us a little push into getting better prices for the farmers. The more the farmers get, the better for the Ministry of Agriculture.

Now, Sir, the other point is that hon. Members will no doubt appreciate that we are spending a great deal of money on applied research on increasing yields per acre which we believe will consequently enable farmers to reduce their per unit costs. In this regard, I think I can claim that we have made considerable progress and the yields of most crops now produced in the country are now very high—in fact, much higher than they were some years back—and in some cases very notable. I have in mind maize which is higher than even three or four years ago. However, we are still not satisfied that we have made any progress and we will continue making better progress than we have at the moment and we are still going to work vigorously that our farmers get better yields.

Some hon. Members, I think it was the Member for Embu, mentioned about Sh. 350 per bag an acre and that the cost of production is Sh. 350. Anybody who spends Sh. 350 should be able to obtain a yield of at least 20 bags per acre. In fact, a farmer who gets ten bags to the acre did not use the modern inputs as allowed by the agricultural officer. What I would like to appeal to the hon. Member, is that when he gets back to his constituency, he should tell his people that when they plant maize they should follow the advice given by the officers in the field. This is another method, Sir, of increasing the yields per acre from a farmer. I am quite happy, and the hon. Members are quite happy, that the Government is doing something in order to ensure that in future these things happen. When the Ministry of Economic Planning has completed the price structure of all commodities in this country, this House will be informed and I am quite sure the Members will support this wholeheartedly.

The only advice I want to give to the Members is to go and advise their farmers of one thing. If you plant five acres of maize which give only ten bags, that is only 50 bags, and if you sell the whole lot you do not get much money from your five acres, maybe Sh. 1,000. The best method which should be followed by the small-scale farmers is that instead of selling the whole lot, they should keep one or two bags and then go and grist it in the mills so that they can keep it in their own homes. If they sell all the 50 bags they only get £50 and then they go round the country to the shops and buy the same maize which they sold at a very large amount of money. This is what they do; they go back and buy at the small markets at Sh. 3/50. If you calculate properly you find that the same bag will cost you over Sh. 200. The best thing is to advise the farmers to grist at least one bag or two so that they can use this at home because it is much better than what you buy in the shops. Our people are inclined to believe that the only good *posho* is that which they buy in the small bag. This is the thing I would like the hon. Members to take into consideration and on which they should advise the farmers in their own areas.

I would like, therefore, Sir, to say that the Ministry is quite happy with this Motion and I hope that the hon. Mover will accept these amendments because these amendments are only improving the Motion and showing that we are taking action. I would like to appeal to the hon. Members not to think that we in the Government are only devils who do not take into consideration the problems of the farmers, and that they are the only ones who take into consideration the problems of the farmers. We are as much concerned as the hon. Members here because some of them come from areas where they do not grow crops, like Embakasi. However, we take these views and we feel that they go to the farms and that when they go to the farms they also contribute towards the development of this country.

I hope, with these few remarks, Sir, that the hon. Members will rise to support the amendment as it stands, because the Government is definitely taking action. If these Members do not accept my views and the promise that I gave in this House before we adjourned last time, that we are going to reduce these prices, there is very little more I can tell them.

Thank you very much, Mr. Deputy Speaker, I beg to amend.

Mr. Shikuku: Mr. Deputy Speaker, I hear the Member for Embakasi telling me that I am failing. If I am failing, it is up to the people of

machinery and go back to their own farms in order to make money, it will take them some time. Why do we not come back and try to find a solution as to what should be done on the machinery side of it? That is why, Sir, it is sometimes difficult for us to compete with other countries where they make their machinery cheaper. This, Sir, is one of the most important points which the hon. Members should also learn. I can hear some hon. Members who look after their *ngombes* around Lake Victoria shouting at the back, but I would like to say that we are looking into ways and means of regulating this and I am hopeful that in the near future we will achieve some sort of success. That is why we, in the Ministry, are very delighted that this Motion was brought, because it gives us a little push into getting better prices for the farmers. The more the farmers get, the better for the Ministry of Agriculture.

Now, Sir, the other point is that hon. Members will no doubt appreciate that we are spending a great deal of money on applied research on increasing yields per acre which we believe will consequently enable farmers to reduce their per unit costs. In this regard, I think I can claim that we have made considerable progress and the yields of most crops now produced in the country are now very high—in fact, much higher than they were some years back—and in some cases very notable. I have in mind maize which is higher than even three or four years ago. However, we are still not satisfied that we have made any progress and we will continue making better progress than we have at the moment and we are still going to work vigorously that our farmers get better yields.

Some hon. Members, I think it was the Member for Embu, mentioned about Sh. 350 per bag an acre and that the cost of production is Sh. 350. Anybody who spends Sh. 350 should be able to obtain a yield of at least 20 bags per acre. In fact, a farmer who gets ten bags to the acre did not use the modern inputs as allowed by the agricultural officer. What I would like to appeal to the hon. Member, is that when he gets back to his constituency, he should tell his people that when they plant maize they should follow the advice given by the officers in the field. This is another method, Sir, of increasing the yields per acre from a farmer. I am quite happy, and the hon. Members are quite happy, that the Government is doing something in order to ensure that in future these things happen. When the Ministry of Economic Planning has completed the price structure of all commodities in this country, this House will be informed and I am quite sure the Members will support this wholeheartedly.

is to go and advise their farmers of one thing. If you plant five acres of maize which give only ten bags, that is only 50 bags, and if you sell the whole lot you do not get much money from your five acres, maybe Sh. 1,000. The best method which should be followed by the small-scale farmers is that instead of selling the whole lot, they should keep one or two bags and then go and grist it in the mills so that they can keep it in their own homes. If they sell all the 50 bags they only get £50 and then they go round the country to the shops and buy the same maize which they sold at a very large amount of money. This is what they do; they go back and buy at the small markets at Sh. 3/50. If you calculate properly you find that the same bag will cost you over Sh. 200. The best thing is to advise the farmers to grist at least one bag or two so that they can use this at home because it is much better than what you buy in the shops. Our people are inclined to believe that the only good *posho* is that which they buy in the small bag. This is the thing I would like the hon. Members to take into consideration and on which they should advise the farmers in their own areas.

I would like, therefore, Sir, to say that the Ministry is quite happy with this Motion and I hope that the hon. Mover will accept these amendments because these amendments are only improving the Motion and showing that we are taking action. I would like to appeal to the hon. Members not to think that we in the Government are only devils who do not take into consideration the problems of the farmers, and that they are the only ones who take into consideration the problems of the farmers. We are as much concerned as the hon. Members here because some of them come from areas where they do not grow crops, like Embakasi. However, we take these views and we feel that they go to the farms and that when they go to the farms they also contribute towards the development of this country.

I hope, with these few remarks, Sir, that the hon. Members will rise to support the amendment as it stands, because the Government is definitely taking action. If these Members do not accept my views and the promise that I gave in this House before we adjourned last time, that we are going to reduce these prices, there is very little more I can tell them.

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Butere to know I am failing, but certainly not those at the Embakasi Airport who see VC10's every night and every morning.

Now, Sir, may I inform the hon. Member that I speak as a farmer; I know what I am talking about and if he keeps his ears open he will hear some wisdom coming from this head over here.

Mr. Deputy Speaker, I do not wish to be very disgruntled about the amendment at all. We have had amendments by the Government in this House and we have had Motions on which we have also defeated the very Government's amendments and they were passed. However, no Member can challenge me whether those Motions have ever been implemented. The point is that we can shout and get amendments to Motions through, but once we have passed them, the experience is that they are shelved. If the Government makes an amendment but supports the principle of the Motion, I only feel that it is only just that we should accept it so that something will be done. In the future, I am going to move a Motion in this National Assembly, whereby all the Motions accepted with amendments will have to be brought in as a Bill so that we keep the Government on its toes. It is in this spirit that I am supporting the amendment.

Now, Mr. Deputy Speaker, while supporting this Motion, I would like to speak on the contents of this Motion. First of all, the Member for Bungoma South has ably put the case and there is no doubt in my mind at all, and indeed in the minds of the Members of this House as far as this question is concerned. I am a farmer and I know how much I have suffered and I am still suffering and I hope—and I hope that I am not hoping against hope—that something will definitely be done. At least, I have faith in the Assistant Minister because he is permanently here just as I am, and if the worst comes to the worst he has no place to go to but here. This is one of the things that I have faith in. He is a farmer; he is a permanent citizen here; he is not another country's citizen and he is not a citizen by application or registration. I therefore say to the people of Nyandarua and also myself that I shall get a grip-hold on him and then if the worst comes to the worst he will have to share with us. We want to give him a chance and see how far he is going to go, because as a person he has done something.

Now, Sir, coming to the question of the difficulties of the farmers. You will find that the question is that the amount we used to get our crops on the market is very much more than the amount we now get for our crops on the market.

For example, diesel fuel we were told here the other day was reduced by 12 cents, but this was only in the Rift Valley and Nakuru is the end. What about the people in Kitale, in Bungoma, in Kakamega, in Busia and around there; they did not profit at all? Why was it brought in there only? Is it not a very well-known fact that the western part of the country is the part which produces more food for the nation? Why were we not given that reduction? This is discrimination and I accuse the Minister for Finance for being so discriminatory to think of that part of Kenya as if it were Somalia. I accuse the Minister for Finance for being so limited in his imagination that we must even threaten one of these days to stop giving food to the Minister to see if he can come back to this House and talk without food.

We cannot sit back and watch our part of the country, Western Province, being discriminated against when we are the taxpayers. This must be registered and I hope the Minister for Finance, whom I have accused, will rectify the situation, so that the reduction in the price of diesel fuel should apply to all parts of this country, particularly the Western Province which is the granary of this country.

Mr. Deputy Speaker, I hope the Minister will do something about that.

Another thing, Mr. Deputy Speaker, about the prices: those who fix the prices, the Minister for Finance, the Minister for Commerce and Industry and the Minister for Economic Planning, should realize that we, the workers on the farms, want a better price so that we can educate our children, we can pay our taxes and are able to buy good clothes for ourselves and our wives too. We are entitled to that and they should not sit here having a nice time and then they think that everything is green in the garden.

Another point, Mr. Deputy Speaker, is on the question of maize. This is my disease and I think the hon. Member for Bungoma South will agree with me that I should also accompany him in being called the Member for maize. Sir, one thing is that we ought to be able to get a good price for this maize. If only our people could eat it. Some of the people in this House do not even want to eat *ugali*. Even in the National Assembly there are only about five Members who eat *ugali*, and the others have all turned to the Western way of life. If all these Members would eat *ugali*, all their children eat *ugali*, and everybody who is an African eat *ugali*, then we would be able to sell our maize well. Today, the Permanent Secretaries, the Under-Secretaries, the Members of Parliament and Ministers have grown so big that

they look at *ugali* as an inferior thing. They should consume more of our maize as *ugali* so that we have some place to sell our maize.

The other thing, Mr. Speaker, is that the millers are really exploiting us because for one bag of maize we are only paid about Sh. 19 they make about Sh. 80 out of that. I think this is something which the Minister should look into and he should go into it and get a good price for our people.

The other point, Mr. Deputy Speaker, Sir, as far as maize is concerned, is that you have a different price all over the country, as if you were in Scotland. In the Western Province, it is Sh. 19; in Kisumu which is 29 miles away you get Sh. 45; if you come to Machakos, it is about Sh. 70 a bag. These irregularities in the price must be adjusted so that we do not have all these different prices for the consumer in our small country. The producer is getting almost nothing for his sweat.

The other point which kills this country which is mainly an agricultural country, is the question of Minimum Financial Return for the farmers. The M.F.R. for the farmers is given and then the interest on this M.F.R. is very high as they have to pay it daily. You get a M.F.R. to plant maize now and then before it goes to the market there is about six months while it grows and all this time, every day, you are paying. For example, I took a M.F.R. for about Sh. 2,000 and I had to pay 47 cents per day for six months. Do you know what happened? They recovered all the amount that I had borrowed and over the amount I had taken. For the small farmers this is what kills them; they work for a M.F.R. and they get nothing. When they take their crop to the market, the M.F.R. takes everything and the poor farmer is left empty-handed and then he has to start working again. In other words, Sir, the small farmers, the people who are getting this M.F.R. from the Government, are not making any money at all in agriculture but they work for M.F.R. I think the Minister should take this very seriously so that they only start charging interest for their money as from the time that the crop goes to the market and is ready. From the day he plants and he is getting money, it is all taken by M.F.R.

Another thing, Mr. Deputy Speaker, is about meat which was touched upon before. Meat in this country has become excessively expensive. I want to ask one question. What will happen if you eat third grade meat? Will you go blind? Why have they made these grades? They confuse us and they confuse the public; my mother can

never know which is first grade and which is third grade. I challenge the Minister and the Assistant Minister that their mothers can make out from a carcass in the shop that this is first grade and this is third grade. Mr. Deputy Speaker, this is where the people are being exploited by the butchers. The other day I tricked the health inspector in Nakuru because I went and bought some first grade meat and some second grade meat and I put them together—they look the same—and then I said, "Tell me, which is first and second grade here?" He said, "I can't tell, it is all good meat". If the health inspector could not make this out, how can my mother find out? This is where we are being exploited and the Minister should look into this very carefully.

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

(Question of the first part of the amendment, that the words to be left out be left out, proposed)

Mr. Odinga: Mr. Deputy Speaker, Sir, with hesitation, I support the amendment but since the amendment goes along to commit the Government in trying to review the prices of our commodities, then I will not definitely have a quarrel with it but we will give it a trial. One thing which must be brought home, Mr. Deputy Speaker, Sir, is that the prices of our commodities in this country, apart from being deterrent to the development of agriculture, are deplorable because they are uneconomic. You cannot actually consider that they can encourage anybody to work as hard as we want the people to work on their *shambas* or on their land. If people are told that they should return to the land; a person will only return to the land when he knows that he is going to reap something from that land, so that he labours on the land knowing that the returns he is going to get from it will be able to support him.

At the present moment, it is well known that the prices are deplorable and you cannot actually say that there is only one particular crop in regard to which people are not complaining; people are complaining on nearly all the crops. I personally come from an area where people grow cotton as their cash crop and I personally have laboured on this cotton crop, but each year I find that I lose a considerable sum of money, simply because the price does not actually pay for the expenses of the labour plus other things we have put into it. Now, Sir, I would first of all like to make one big suggestion to the Government.

Sir, could you not give your ruling because it seems as if we have two conferences at the same time?

The Deputy Speaker (Dr. De Souza): Order! Hon. Members should pay a little more attention.

Mr. Odinga: Mr. Deputy Speaker, Sir, I would have liked the Government—if they want to control the prices, particularly the prices of our crops and so on—to take the bold step of nationalizing the export of our commodities. They must control this and have it in their hands. They must control also the shipping arrangements of our products which go to the international markets. They must have a big say in this. They should not leave it for the private firms to do, because, by doing so, we only tend to be at their mercy. When they therefore come to bargain on our prices here, they will keep the prices as cheap as possible so that they get the bigger margin of profit, when they go to negotiate or bargain in the international or world markets. This is what is also putting us down here. I think it is time the Government took control of all these imports coming in. I noticed recently that for most of the imports coming into Kenya, the value is twice as much as our exports which we send outside. If this is the case, then certainly it means that we are consuming more foreign goods here and we do not bargain with them to take our goods, or our products in exchange. Why should we be their market by letting them bring their goods here and make us to be the consuming ground for their goods when we do not actually negotiate with them that they in exchange should take our goods and give us better prices for our goods? This will only help us if we are controlling—

The Minister for Co-operatives and Social Services (Mr. Ngala): On a point of order, Mr. Deputy Speaker, Sir, can the Leader of the Opposition substantiate the allegation he has just made, that in agricultural produce—because the Motion is on agricultural produce—the Government is importing twice what it is exporting?

The Deputy Speaker (Dr. De Souza): Order! I do not think that is what he meant, what he meant, as far as I understand it, is that the general amount of imports seem to be twice the amount of exports in the country. I do not think he meant that as far as agricultural produce alone is concerned. As far as I understand it, he is speaking on the Motion generally and not confining himself to agricultural produce, exports and imports in itself. I therefore think he is in order. You may not agree with him, that is different, but he is not out of order.

The Minister for Co-operatives and Social Services (Mr. Ngala): On a point of order, Mr. Deputy Speaker, Sir, I am seeking your guidance.

This Motion is a specific Motion, on what action the Government should take on agricultural produce. Is the Leader of the Opposition then, in order to speak on the policy of exports and imports generally? This is what I want to check and if it is so, then can the Government be given a chance to reply to that afterwards as a different general matter?

The Deputy Speaker (Dr. De Souza): Mr. Ngala, you will remember that even when the Assistant Minister for Agriculture spoke, he referred to the question of the price of machinery, imports of machinery, the prices overseas and the cost of manufacture of machinery. I think on the question of exporting of agricultural goods, he can refer to the general import and export volume in the country. I do not think that is anything out of order. The Government certainly had 20 minutes to speak on this and the Assistant Minister spoke on this.

At five minutes past eleven, technically, we should close this debate. I notice that there is a tremendous amount of interest and if an hon. Member wants to ask for an extension of time of 20 minutes or perhaps half an hour, I will have no objection provided, of course, it is unanimously granted by leave of the House. I will wait till the time comes.

You can carry on, Mr. Odinga.

Mr. Odinga: I am sure, Mr. Deputy Speaker, Sir, that the Minister for Co-operatives and Social Services has wasted my time. He knows that Agriculture is the backbone of the economy of this country and when we are talking about the agriculture of this country and we talk about imports and exports, certainly, it is based on agriculture. When one then talks about that, one cannot really be wrong. I do not know why he should be so anxious to pin me down on that.

Well, Mr. Deputy Speaker, Sir, I must be a little bit more specific as he wanted me to be. In being specific, he will find that now in Kenya, at the present moment, the buying of produce from the producers is being controlled by a Board. There is a Board which is controlling that but I wish that this Board, instead of being anxious to control the movement of produce in this country, from one locality to another locality and so on, would instead actually be anxious to try and find better prices for our produce outside. This should be the major service of the Board if it is to be of any material use for all the people of this country. Instead of worrying about one or three bags of maize being moved from Meru to Embu, or even five bags of *thoroko* being moved from Kitui to Nyeri, I think it would be better

[Mr. Odinga]

for it to be busy with trying to canvass the world over. At the same time it must be liberal to go to all corners of the world for markets.

With these few remarks I beg to support the amendment.

The Deputy Speaker (Dr. De Souza): The time is up. I do not know whether hon. Members want to continue or not.

MOTION

EXTENSION OF TIME FOR DEBATE

Mr. Karungaru: I would like, Mr. Deputy Speaker, Sir, the time to be extended because this is one of the important jobs that is necessary to be done.

Mr. Omweri: Seconded.

(Question proposed)

The Deputy Speaker (Dr. De Souza): Provided there is leave of the House, I will accept a 20 minutes extension. Does any hon. Member object?

Mr. arap Biy: I object.

The Deputy Speaker (Dr. De Souza): Anybody else objecting? What is your reason, Mr. arap Biy?

Mr. arap Biy: Mr. Deputy Speaker, Sir, I want to explain to the House my reason for objecting to the extension of the time. Let people be silent.

Mr. Deputy Speaker, Sir, I object to the extension of time because there is another very important Motion coming up soon. This is why I object to the extension of time. What has already been said is enough, Mr. Deputy Speaker, Sir.

Hon. Members: No! No!

The Deputy Speaker (Dr. De Souza): If the reasons given by the hon. Member are not considered to be adequate, and if no other Member objects, then the Speaker, can allow an extension of time.

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

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

The Speaker (Mr. Slade): Hon. Members I understand that the leave of the House is sought for extension of time for this debate for another period of 20 minutes, and that one hon. Member, Mr. arap Biy, has objected on the grounds that there is another Motion to come on. If he was the Mover of that Motion, I think I would have accepted his single objection, but as he is not,

unless there are three hon. Members objecting, I think I should say we have the leave of the House.

(Leave of House for 20 minutes extension given)

The Speaker (Mr. Slade): So, we will continue the debate for another 20 minutes, which means there is 20 minutes before the Mover is due to reply.

(Resumption of debate on original Motion)

Mr. Omweri: I am very grateful, Mr. Speaker, Sir, to get this chance, and I will first of all congratulate the Mover of the Motion for bringing this very good Motion.

Mr. Speaker, Sir, may I first of all say that I totally disagree with the Assistant Minister's amendments, and just to follow up what the Chief Whip says, that he is a good man, Mr. Speaker, Sir, I say I have no personality disagreement here. What we are talking about is what action has been taken by a good man or a bad man. What we are interested in is the action, and in that, Mr. Speaker, Sir, I only wish to note the promise, but not the action because action is negative. Therefore, Mr. Speaker, Sir, I would like to say why I oppose the amendment.

Just recently, Mr. Speaker, the Minister for Agriculture announced the reduction of prices of maize. This does not mean that a farmer is getting anything better than what he was getting. In fact, the farmer is losing and, therefore, that is contrary to what the Motion is asking. The Motion is asking that a farmer should be given a fair price. A fair price, according to what the Minister's actions are, is a bad price, and therefore, we cannot take that note because no farmer has supported it.

Mr. Speaker, Sir, this committee which the Assistant Minister has promised should be given material and told what to do and if it has any recommendations to make to this House. It is not for us to note a committee in formation which has not taken any action, and, therefore, we say it has taken no action.

Mr. Speaker, Sir, I would like to suggest, in regard to what the Mover said about milk, that this committee, if it is going to review prices of milk, or any produce, it should note why there should be such a big difference between what a farmer gets and what a consumer pays. Why should there be such a big difference? We get Sh. 1/30 a gallon in Kisii. When that milk, Mr. Speaker, Sir, is brought to the market, it fetches over Sh. 4. Why should that be so different? What is the cause? We should like to know; and this is why we are asking what is causing these

[Mr. Omweri]

differences. These should be minimized so that there is a saving and the farmer will get something. This is the main reason, and that is why I say that when we are being asked to note the action which people have not agreed to, I will not agree.

Mr. Speaker, Sir, when we talk about coffee, we know that the price of coffee is controlled by world bodies; but at the same time, looking at what Kenya coffee fetches at the auction, about Sh. 3 per lb., which comes to about 60 cents per lb. of cherry, we feel that the farmer should be able to get at least 40 cents per lb. But what do we get? —15-20 cents per lb. Where is the rest? This is what, Mr. Speaker, we want to know if we are to note any action. We should see that a farmer now is getting 30, 40 or 50 cents so that he can leave a few cents for management costs. However, Mr. Speaker, Sir, this does not happen. The farmer is being hit so hard that he gets almost nothing.

Mr. Speaker, Sir; if you took that particular crop with the imposition of the Coffee Authority and the extension services, some of which are a complete failure, you would find that a farmer is really crying each day. Mr. Speaker, Sir, the Minister for Agriculture has taxed our people to a degree that they will not be told to wait for another time. We are suggesting here that the review should be an upward trend so that a farmer is encouraged. We know, as the Mover said, that salaries of workers who are supposed to be the main consumers of this crop, keep on going high. If the salaries are going up, we would like equalization by making the farmer get a little more too so that the salaries' structure does not keep on inflating the Kenya economy. When we look at the structure, it is very good, but the farmer at home, his *per capita* income is being reduced from what it was, while the Minister for Economic Planning says that the *per capita* income in Kenya has increased. What does that mean? It only means that the salaries of Ministers, Members of Parliament and top civil servants have gone up. That is all. It does not mean that a farmer at home has any benefits. He is still where he was. In fact, in certain cases, he is worse off. Mr. Speaker, Sir, we would call on the Ministry to see that something is done to improve the prices of our crops. Mr. Speaker, Sir, if you take fruits, for example passion fruits, you will find that in this respect the price is hopeless. A farmer gets about 10 cents or 8 cents per lb. but when you go to buy a bottle of passion fruit juice, you pay Sh. 5. Where is this money going? Is it because our industry has experts, more experts that

it is costing us so much, or what? The Ministry should look into this. It is not a question that we are ungrateful to the Minister for his suggestion, it is that the actions already taken are not pleasing, and therefore we cannot accept them. In this case we would like the Ministry to take note and see that there is an overhaul of prices for everything we produce here. If not, we should be told, first of all, if we are to agree with the Ministry, why when this House—hon. Members, including some good Ministers—decided that the prices of maize should be put at Sh. 47/50 a bag that decision was thrown aside and there has never been any statement to that effect. The Minister comes out with his own arbitrary statement, somewhere in Nakuru, where he says, "The price will now be this." Why did he not make that statement here? This means that what we do in this House is not recognized. We have to continue to hammer at the Government until they become sensible enough to understand the problems of our electors.

Mr. Speaker, if we want to make any use of the good slogan given to us by His Excellency the President, of "Go back to the land", then the land must be made attractive. You cannot go to the land if it is repulsive because when you go there you do not get anything. The Ministry of Agriculture is responsible for this. It is not a question of the Treasury. If it was the Treasury, then we could deal with them here. If there was an excess, then we could help the Ministry of Agriculture. However, the policy of the Ministry of Agriculture must be good enough to be conducive to this slogan, otherwise the slogan will be meaningless and nobody will go back to the land; people will always keep on swarming around here because they will say it is better to get Sh. 200 a month in Nairobi than go to the land where they have to pay, out of their pockets, for transportation of whatever they produce.

Sir, we would like that the prices for our crops should go up so that the people who work on the land, the people who, when they leave school, are told, "Take your *jembe*, go and cultivate something. Grow something so that you can make a livelihood" can know that they are actually going to get something out of the land. If this is not so, it will not be good.

For the reasons I have given, I support the Motion as originally moved by the hon. Khuroya and disagree with the amendment.

The Speaker (Mr. Slade): Mr. Kago. Mr. Kago you will have less than ten minutes, I am afraid, say about eight minutes, before I put the question of the amendment.

[Mr. J. M. Kariuki]

machinery and go back to their own farms in order to make money, it will take them some time. Why do we not come back and try to find a solution as to what should be done on the machinery side of it? That is why, Sir, it is sometimes difficult for us to compete with other countries where they make their machinery cheaper. This, Sir, is one of the most important points which the hon. Members should also learn. I can hear some hon. Members who look after their *ngombes* around Lake Victoria shouting at the back, but I would like to say that we are looking into ways and means of regulating this and I am hopeful that in the near future we will achieve some sort of success. That is why we, in the Ministry, are very delighted that this Motion was brought, because it gives us a little push into getting better prices for the farmers. The more the farmers get, the better for the Ministry of Agriculture.

Now, Sir, the other point is that hon. Members will no doubt appreciate that we are spending a great deal of money on applied research on increasing yields per acre which we believe will consequently enable farmers to reduce their per unit costs. In this regard, I think I can claim that we have made considerable progress and the yields of most crops now produced in the country are now very high—in fact, much higher than they were some years back—and in some cases very notable. I have in mind maize which is higher than even three or four years ago. However, we are still not satisfied that we have made any progress and we will continue making better progress than we have at the moment and we are still going to work vigorously that our farmers get better yields.

Some hon. Members, I think it was the Member for Embu, mentioned about Sh. 350 per bag an acre and that the cost of production is Sh. 350. Anybody who spends Sh. 350 should be able to obtain a yield of at least 20 bags per acre. In fact, a farmer who gets ten bags to the acre did not use the modern inputs as allowed by the agricultural officer. What I would like to appeal to the hon. Member, is that when he gets back to his constituency, he should tell his people that when they plant maize they should follow the advice given by the officers in the field. This is another method, Sir, of increasing the yields per acre from a farmer. I am quite happy, and the hon. Members are quite happy, that the Government is doing something in order to ensure that in future these things happen. When the Ministry of Economic Planning has completed the price structure of all commodities in this country, this House will be informed and I am quite sure the Members will support this wholeheartedly.

The only advice I want to give to the Members is to go and advise their farmers of one thing. If you plant five acres of maize which give only ten bags, that is only 50 bags, and if you sell the whole lot you do not get much money from your five acres, maybe Sh. 1,000. The best method which should be followed by the small-scale farmers is that instead of selling the whole lot, they should keep one or two bags and then go and grist it in the mills so that they can keep it in their own homes. If they sell all the 50 bags they only get £50 and then they go round the country to the shops and buy the same maize which they sold at a very large amount of money. This is what they do; they go back and buy at the small markets at Sh. 3/50. If you calculate properly you find that the same bag will cost you over Sh. 200. The best thing is to advise the farmers to grist at least one bag or two so that they can use this at home because it is much better than what you buy in the shops. Our people are inclined to believe that the only good *posho* is that which they buy in the small bag. This is the thing I would like the hon. Members to take into consideration and on which they should advise the farmers in their own areas.

I would like, therefore, Sir, to say that the Ministry is quite happy with this Motion and I hope that the hon. Mover will accept these amendments because these amendments are only improving the Motion and showing that we are taking action. I would like to appeal to the hon. Members not to think that we in the Government are only devils who do not take into consideration the problems of the farmers, and that they are the only ones who take into consideration the problems of the farmers. We are as much concerned as the hon. Members here because some of them come from areas where they do not grow crops, like Embakasi. However, we take these views and we feel that they go to the farms and that when they go to the farms they also contribute towards the development of this country.

I hope, with these few remarks, Sir, that the hon. Members will rise to support the amendment as it stands, because the Government is definitely taking action. If these Members do not accept my views and the promise that I gave in this House before we adjourned last time, that we are going to reduce these prices, there is very little more I can tell them.

Thank you very much, Mr. Deputy Speaker, I beg to amend.

Mr. Shikuku: Mr. Deputy Speaker, I hear the Member for Embakasi telling me that I am failing. If I am failing, it is up to the people of

[Mr. Shikuku]

Butere to know I am failing, but certainly not those at the Embakasi Airport who see VC10's every night and every morning.

Now, Sir, may I inform the hon. Member that I speak as a farmer; I know what I am talking about and if he keeps his ears open he will hear some wisdom coming from this head over here.

Mr. Deputy Speaker, I do not wish to be very disgruntled about the amendment at all. We have had amendments by the Government in this House and we have had Motions on which we have also defeated the very Government's amendments and they were passed. However, no Member can challenge me whether those Motions have ever been implemented. The point is that we can shout and get amendments to Motions through, but once we have passed them, the experience is that they are shelved. If the Government makes an amendment but supports the principle of the Motion, I only feel that it is only just that we should accept it so that something will be done. In the future, I am going to move a Motion in this National Assembly, whereby all the Motions accepted with amendments will have to be brought in as a Bill so that we keep the Government on its toes. It is in this spirit that I am supporting the amendment.

Now, Mr. Deputy Speaker, while supporting this Motion, I would like to speak on the contents of this Motion. First of all, the Member for Bungoma South has ably put the case and there is no doubt in my mind at all, and indeed in the minds of the Members of this House as far as this question is concerned. I am a farmer and I know how much I have suffered and I am still suffering and I hope—and I hope that I am not hoping against hope—that something will definitely be done. At least, I have faith in the Assistant Minister because he is permanently here just as I am, and if the worst comes to the worst he has no place to go to but here. This is one of the things that I have faith in. He is a farmer; he is a permanent citizen here; he is not another country's citizen and he is not a citizen by application or registration. I therefore say to the people of Nyandarua and also myself that I shall get a grip-hold on him and then if the worst comes to the worst he will have to share with us. We want to give him a chance and see how far he is going to go, because as a person he has done something.

Now, Sir, coming to the question of the difficulties of the farmers. You will find that the question is that the amount we used to get our crops on the market is very much more than the amount we now get for our crops on the market.

For example, diesel fuel we were told here the other day was reduced by 12 cents, but this was only in the Rift Valley and Nakuru is the end. What about the people in Kitale, in Bungoma, in Kakamega, in Busia and around there; they did not profit at all? Why was it brought in there only? Is it not a very well-known fact that the western part of the country is the part which produces more food for the nation? Why were we not given that reduction? This is discrimination and I accuse the Minister for Finance for being so discriminatory to think of that part of Kenya as if it were Somalia. I accuse the Minister for Finance for being so limited in his imagination that we must even threaten one of these days to stop giving food to the Minister to see if he can come back to this House and talk without food.

We cannot sit back and watch our part of the country, Western Province, being discriminated against when we are the taxpayers. This must be registered and I hope the Minister for Finance, whom I have accused, will rectify the situation, so that the reduction in the price of diesel fuel should apply to all parts of this country, particularly the Western Province which is the granary of this country.

Mr. Deputy Speaker, I hope the Minister will do something about that.

Another thing, Mr. Deputy Speaker, about the prices: those who fix the prices, the Minister for Finance, the Minister for Commerce and Industry and the Minister for Economic Planning, should realize that we, the workers on the farms, want a better price so that we can educate our children, we can pay our taxes and are able to buy good clothes for ourselves and our wives too. We are entitled to that and they should not sit here having a nice time and then they think that everything is green in the garden.

Another point, Mr. Deputy Speaker, is on the question of maize. This is my disease and I think the hon. Member for Bungoma South will agree with me that I should also accompany him in being called the Member for maize. Sir, one thing is that we ought to be able to get a good price for this maize. If only our people could eat it. Some of the people in this House do not even want to eat *ugali*. Even in the National Assembly there are only about five Members who eat *ugali*, and the others have all turned to the Western way of life. If all these Members would eat *ugali*, all their children eat *ugali*, and everybody who is an African eat *ugali*, then we would be able to sell our maize well. Today, the Permanent Secretaries, the Under-Secretaries, the Members of Parliament and Ministers have grown so big that

[Mr. Shikuku]

they look at *ugali* as an inferior thing. They should consume more of our maize as *ugali* so that we have some place to sell our maize.

The other thing, Mr. Speaker, is that the millers are really exploiting us because for one bag of maize we are only paid about Sh. 19 they make about Sh. 80 out of that. I think this is something which the Minister should look into and he should go into it and get a good price for our people.

The other point, Mr. Deputy Speaker, Sir, as far as maize is concerned, is that you have a different price all over the country, as if you were in Scotland. In the Western Province, it is Sh. 19; in Kisumu which is 29 miles away you get Sh. 45; if you come to Machakos, it is about Sh. 70 a bag. These irregularities in the price must be adjusted so that we do not have all these different prices for the consumer in our small country. The producer is getting almost nothing for his sweat.

The other point which kills this country which is mainly an agricultural country, is the question of Minimum Financial Return for the farmers. The M.F.R. for the farmers is given and then the interest on this M.F.R. is very high as they have to pay it daily. You get a M.F.R. to plant maize now and then before it goes to the market there is about six months while it grows and all this time, every day, you are paying. For example, I took a M.F.R. for about Sh. 2,000 and I had to pay 47 cents per day for six months. Do you know what happened? They recovered all the amount that I had borrowed and over the amount I had taken. For the small farmers this is what kills them; they work for a M.F.R. and they get nothing. When they take their crop to the market, the M.F.R. takes everything and the poor farmer is left empty-handed and then he has to start working again. In other words, Sir, the small farmers, the people who are getting this M.F.R. from the Government, are not making any money at all in agriculture but they work for M.F.R. I think the Minister should take this very seriously so that they only start charging interest for their money as from the time that the crop goes to the market and is ready. From the day he plants and he is getting money, it is all taken by M.F.R.

Another thing, Mr. Deputy Speaker, is about meat which was touched upon before. Meat in this country has become excessively expensive. I want to ask one question. What will happen if you eat third grade meat? Will you go blind? Why have they made these grades? They confuse us and they confuse the public; my mother can

never know which is first grade and which is third grade. I challenge the Minister and the Assistant Minister that their mothers can make out from a carcass in the shop that this is first grade and this is third grade. Mr. Deputy Speaker, this is where the people are being exploited by the butchers. The other day I tricked the health inspector in Nakuru because I went and bought some first grade meat and some second grade meat and I put them together—they look the same—and then I said, “Tell me, which is first and second grade here?” He said, “I can’t tell, it is all good meat”. If the health inspector could not make this out, how can my mother find out? This is where we are being exploited and the Minister should look into this very carefully.

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

(Question of the first part of the amendment, that the words to be left out be left out, proposed)

Mr. Odinga: Mr. Deputy Speaker, Sir, with hesitation, I support the amendment but since the amendment goes along to commit the Government in trying to review the prices of our commodities, then I will not definitely have a quarrel with it but we will give it a trial. One thing which must be brought home, Mr. Deputy Speaker, Sir, is that the prices of our commodities in this country, apart from being deterrent to the development of agriculture, are deplorable because they are uneconomic. You cannot actually consider that they can encourage anybody to work as hard as we want the people to work on their *shambas* or on their land. If people are told that they should return to the land; a person will only return to the land when he knows that he is going to reap something from that land, so that he labours on the land knowing that the returns he is going to get from it will be able to support him.

At the present moment, it is well known that the prices are deplorable and you cannot actually say that there is only one particular crop in regard to which people are not complaining; people are complaining on nearly all the crops. I personally come from an area where people grow cotton as their cash crop and I personally have laboured on this cotton crop, but each year I find that I lose a considerable sum of money, simply because the price does not actually pay for the expenses of the labour plus other things we have put into it. Now, Sir, I would first of all like to make one big suggestion to the Government.

Sir, could you not give your ruling because it seems as if we have two conferences at the same time?

The Deputy Speaker (Dr. De Souza): Order! Hon. Members should pay a little more attention.

Mr. Odinga: Mr. Deputy Speaker, Sir, I would have liked the Government—if they want to control the prices, particularly the prices of our crops and so on—to take the bold step of nationalizing the export of our commodities. They must control this and have it in their hands. They must control also the shipping arrangements of our products which go to the international markets. They must have a big say in this. They should not leave it for the private firms to do, because, by doing so, we only tend to be at their mercy. When they therefore come to bargain on our prices here, they will keep the prices as cheap as possible so that they get the bigger margin of profit when they go to negotiate or bargain in the international or world markets. This is what is also putting us down here. I think it is time the Government took control of all these imports coming in. I noticed recently that for most of the imports coming into Kenya, the value is twice as much as our exports which we send outside. If this is the case, then certainly it means that we are consuming more foreign goods here and we do not bargain with them to take our goods, or our products in exchange. Why should we be their market by letting them bring their goods here and make us to be the consuming ground for their goods when we do not actually negotiate with them that they in exchange should take our goods and give us better prices for our goods? This will only help us if we are controlling—

The Minister for Co-operatives and Social Services (Mr. Ngala): On a point of order, Mr. Deputy Speaker, Sir, can the Leader of the Opposition substantiate the allegation he has just made, that in agricultural produce—because the Motion is on agricultural produce—the Government is importing twice what it is exporting?

The Deputy Speaker (Dr. De Souza): Order! I do not think that is what he meant, what he meant, as far as I understand it, is that the general amount of imports seem to be twice the amount of exports in the country. I do not think he meant that as far as agricultural produce alone is concerned. As far as I understand it, he is speaking on the Motion generally and not confining himself to agricultural produce, exports and imports in itself. I therefore think he is in order. You may not agree with him, that is different, but he is not out of order.

The Minister for Co-operatives and Social Services (Mr. Ngala): On a point of order, Mr. Deputy Speaker, Sir, I am seeking your guidance.

This Motion is a specific Motion, on what action the Government should take on agricultural produce. Is the Leader of the Opposition then, in order to speak on the policy of exports and imports generally? This is what I want to check and if it is so, then can the Government be given a chance to reply to that afterwards as a different general matter?

The Deputy Speaker (Dr. De Souza): Mr. Ngala, you will remember that even when the Assistant Minister for Agriculture spoke, he referred to the question of the price of machinery, imports of machinery, the prices overseas and the cost of manufacture of machinery. I think on the question of exporting of agricultural goods, he can refer to the general import and export volume in the country. I do not think that is anything out of order. The Government certainly had 20 minutes to speak on this and the Assistant Minister spoke on this.

At five minutes past eleven, technically, we should close this debate. I notice that there is a tremendous amount of interest and if an hon. Member wants to ask for an extension of time of 20 minutes or perhaps half an hour, I will have no objection provided, of course, it is unanimously granted by leave of the House. I will wait till the time comes.

You can carry on, Mr. Odinga.

Mr. Odinga: I am sure, Mr. Deputy Speaker, Sir, that the Minister for Co-operatives and Social Services has wasted my time. He knows that Agriculture is the backbone of the economy of this country and when we are talking about the agriculture of this country and we talk about imports and exports, certainly, it is based on agriculture. When one then talks about that, one cannot really be wrong. I do not know why he should be so anxious to pin me down on that.

Well, Mr. Deputy Speaker, Sir, I must be a little bit more specific as he wanted me to be. In being specific, he will find that now in Kenya, at the present moment, the buying of produce from the producers is being controlled by a Board. There is a Board which is controlling that but I wish that this Board, instead of being anxious to control the movement of produce in this country, from one locality to another locality and so on, would instead actually be anxious to try and find better prices for our produce outside. This should be the major service of the Board if it is to be of any material use for all the people of this country. Instead of worrying about one or three bags of maize being moved from Meru to Embu, or even five bags of *thoroko* being moved from Kitui to Nyeri, I think it would be better

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for it to be busy with trying to canvass the world over. At the same time it must be liberal to go to all corners of the world for markets.

With these few remarks I beg to support the amendment.

The Deputy Speaker (Dr. De Souza): The time is up. I do not know whether hon. Members want to continue or not.

MOTION

EXTENSION OF TIME FOR DEBATE

Mr. Karungaru: I would like, Mr. Deputy Speaker, Sir, the time to be extended because this is one of the important jobs that is necessary to be done.

Mr. Omweri: Seconded.

(Question proposed)

The Deputy Speaker (Dr. De Souza): Provided there is leave of the House, I will accept a 20 minutes extension. Does any hon. Member object?

Mr. arap Biy: I object.

The Deputy Speaker (Dr. De Souza): Anybody else objecting? What is your reason, Mr. arap Biy?

Mr. arap Biy: Mr. Deputy Speaker, Sir, I want to explain to the House my reason for objecting to the extension of the time. Let people be silent.

Mr. Deputy Speaker, Sir, I object to the extension of time because there is another very important Motion coming up soon. This is why I object to the extension of time. What has already been said is enough, Mr. Deputy Speaker, Sir.

Hon. Members: No! No!

The Deputy Speaker (Dr. De Souza): If the reasons given by the hon. Member are not considered to be adequate, and if no other Member objects, then the Speaker, can allow an extension of time.

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

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

The Speaker (Mr. Slade): Hon. Members I understand that the leave of the House is sought for extension of time for this debate for another period of 20 minutes, and that one hon. Member, Mr. arap Biy, has objected on the grounds that there is another Motion to come on. If he was the Mover of that Motion, I think I would have accepted his single objection, but as he is not,

unless there are three hon. Members objecting, I think I should say we have the leave of the House.

(Leave of House for 20 minutes extension given)

The Speaker (Mr. Slade): So, we will continue the debate for another 20 minutes, which means there is 20 minutes before the Mover is due to reply.

(Resumption of debate on original Motion)

Mr. Omweri: I am very grateful, Mr. Speaker, Sir, to get this chance, and I will first of all congratulate the Mover of the Motion for bringing this very good Motion.

Mr. Speaker, Sir, may I first of all say that I totally disagree with the Assistant Minister's amendments, and just to follow up what the Chief Whip says, that he is a good man, Mr. Speaker, Sir, I say I have no personality disagreement here. What we are talking about is what action has been taken by a good man or a bad man. What we are interested in is the action, and in that, Mr. Speaker, Sir, I only wish to note the promise, but not the action because action is negative. Therefore, Mr. Speaker, Sir, I would like to say why I oppose the amendment.

Just recently, Mr. Speaker, the Minister for Agriculture announced the reduction of prices of maize. This does not mean that a farmer is getting anything better than what he was getting. In fact, the farmer is losing and, therefore, that is contrary to what the Motion is asking. The Motion is asking that a farmer should be given a fair price. A fair price, according to what the Minister's actions are, is a bad price, and therefore, we cannot take that note because no farmer has supported it.

Mr. Speaker, Sir, this committee which the Assistant Minister has promised should be given material and told what to do and if it has any recommendations to make to this House. It is not for us to note a committee in formation which has not taken any action, and, therefore, we say it has taken no action.

Mr. Speaker, Sir, I would like to suggest, in regard to what the Mover said about milk, that this committee, if it is going to review prices of milk, or any produce, it should note why there should be such a big difference between what a farmer gets and what a consumer pays. Why should there be such a big difference? We get Sh. 1/30 a gallon in Kisii. When that milk, Mr. Speaker, Sir, is brought to the market, it fetches over Sh. 4. Why should that be so different? What is the cause? We should like to know, and this is why we are asking what is causing these

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differences. These should be minimized so that there is a saving and the farmer will get something. This is the main reason, and that is why I say that when we are being asked to note the action which people have not agreed to, I will not agree.

Mr. Speaker, Sir, when we talk about coffee, we know that the price of coffee is controlled by world bodies; but at the same time, looking at what Kenya coffee fetches at the auction, about Sh. 3 per lb., which comes to about 60 cents per lb. of cherry, we feel that the farmer should be able to get at least 40 cents per lb. But what do we get? —15-20 cents per lb. Where is the rest? This is what, Mr. Speaker, we want to know if we are to note any action. We should see that a farmer now is getting 30, 40 or 50 cents so that he can leave a few cents for management costs. However, Mr. Speaker, Sir, this does not happen. The farmer is being hit so hard that he gets almost nothing.

Mr. Speaker, Sir, if you took that particular crop with the imposition of the Coffee Authority and the extension services, some of which are a complete failure, you would find that a farmer is really crying each day. Mr. Speaker, Sir, the Minister for Agriculture has taxed our people to a degree that they will not be told to wait for another time. We are suggesting here that the review should be an upward trend so that a farmer is encouraged. We know, as the Mover said, that salaries of workers who are supposed to be the main consumers of this crop, keep on going high. If the salaries are going up, we would like equalization by making the farmer get a little more too so that the salaries' structure does not keep on inflating the Kenya economy. When we look at the structure, it is very good, but the farmer at home, his *per capita* income is being reduced from what it was, while the Minister for Economic Planning says that the *per capita* income in Kenya has increased. What does that mean? It only means that the salaries of Ministers, Members of Parliament and top civil servants have gone up. That is all. It does not mean that a farmer at home has any benefits. He is still where he was. In fact, in certain cases, he is worse off. Mr. Speaker, Sir, we would call on the Ministry to see that something is done to improve the prices of our crops. Mr. Speaker, Sir, if you take fruits, for example passion fruits, you will find that in this respect the price is hopeless. A farmer gets about 10 cents or 8 cents per lb. but when you go to buy a bottle of passion fruit juice, you pay Sh. 5. Where is this money going? Is it because our industry has experts, more experts that

it is costing us so much, or what? The Ministry should look into this. It is not a question that we are ungrateful to the Minister for his suggestion, it is that the actions already taken are not pleasing, and therefore we cannot accept them. In this case we would like the Ministry to take note and see that there is an overhaul of prices for everything we produce here. If not, we should be told, first of all, if we are to agree with the Ministry, why when this House—hon. Members, including some good Ministers—decided that the prices of maize should be put at Sh. 47/50 a bag that decision was thrown aside and there has never been any statement to that effect. The Minister comes out with his own arbitrary statement, somewhere in Nakuru, where he says, "The price will now be this." Why did he not make that statement here? This means that what we do in this House is not recognized. We have to continue to hammer at the Government until they become sensible enough to understand the problems of our electors.

Mr. Speaker, if we want to make any use of the good slogan given to us by His Excellency the President, of "Go back to the land", then the land must be made attractive. You cannot go to the land if it is repulsive because when you go there you do not get anything. The Ministry of Agriculture is responsible for this. It is not a question of the Treasury. If it was the Treasury, then we could deal with them here. If there was an excess, then we could help the Ministry of Agriculture. However, the policy of the Ministry of Agriculture must be good enough to be conducive to this slogan, otherwise the slogan will be meaningless and nobody will go back to the land; people will always keep on swarming around here because they will say it is better to get Sh. 200 a month in Nairobi than go to the land where they have to pay, out of their pockets, for transportation of whatever they produce.

Sir, we would like that the prices for our crops should go up so that the people who work on the land, the people who, when they leave school, are told, "Take your *jembe*, go and cultivate something. Grow something so that you can make a livelihood" can know that they are actually going to get something out of the land. If this is not so, it will not be good.

For the reasons I have given, I support the Motion as originally moved by the hon. Khaoya and disagree with the amendment.

The Speaker (Mr. Slade): Mr. Kago. Mr. Kago you will have less than ten minutes, I am afraid, say about eight minutes, before I put the question of the amendment.

Mr. Kago: Mr. Speaker, Sir, thank you for giving me this opportunity to say a few words on this very important Motion.

I would like to bring to the attention of the Assistant Minister, who is responsible for this operation, some facts, especially the one affecting small farmers. I appreciate what the Assistant Minister has told us, Sir, that they are planning something and I do not think we will be out of time if we bring some ideas, like the ones I am going to advance, to the Ministry at this juncture.

While this committee is operating, I would like it to note very, very carefully that there are some areas which are more hit by the price structure than other areas. In particular, we have those people who are in the settlement schemes. In settlement schemes, Mr. Speaker, we have a lot of loans to repay to the Government, which must be covered from the produce that we grow on those plots. The prices that we get from the produce that comes from our land are so bad that they cannot help meet the requirements for loan repayment of these plots. Time and again we have heard of price reviews, but when we have these reviews we only have them either on maize, coffee, tea or wheat. We have never heard of a price review affecting some other crops which are also very important to some parts of the country. These that are not mentioned—they may not be important to the country in general, but they are very important to particular areas. Some places, especially Nyandarua, where the Assistant Minister also comes from, do not grow cash crops other than pyrethrum and some wheat. When we do not hear any mention of pyrethrum on these important occasions, we just wonder how we are going to meet our expenses. I know that we are threatened by the lack of markets for pyrethrum, which has come about because of synthetics. However, I think that the Ministry should do something to the effect that even though we have the synthetics problem, the farmer who is in the settlement schemes, who is confronted with the problem of repaying loans, would be given special care and attention. The special care I would like to mention here is, whatever small market there may be for pyrethrum, I think this should be given to those more needy farmers than to farmers in general. We know there are areas which are growing pyrethrum but can also grow wheat, tea, coffee and such other things. Why should not such areas be deprived of the right of growing pyrethrum so that that quota can be given to the other areas which cannot grow anything else but pyrethrum? If this one thing is not taken into consideration, then these farmers who are so badly hit will not

be able to continue repaying their loans, neither will they be able to benefit from these plots.

Another point I would like to mention is that we would like the Ministry to take into consideration some other crops. Tea is never mentioned—potatoes, beans and other domestic crops are never mentioned in any place. It is high time that they were also controlled in the same manner as maize and wheat, which are controlled by boards. Thus when the prices are fixed, these other crops can also have controlled prices which will enable the farmers at least to benefit from their toil. So long as these are kept out of the control issue, then things will only be left to the willing buyer and the willing seller to negotiate the price. In many cases, as is well known, the person who loses is the farmer. So long as the farmer does not get something, the whole machinery will run down, will lose, and Government will be confronted with the problem of trying to pay so much to the foreign governments who had lent money to the settlement schemes.

Mr. Speaker, when Government secures the market from overseas, they should be able to hammer this one point: where we get loans to develop land, then the buying countries should agree to buy our produce at a better price so that we are able to repay the money that they have lent to us. However, so long as they exploit us, so long as they continue to give us very bad prices, then their money does not stand a good chance of being repaid. On the other hand, if they could give us better prices, their money will be repaid on the terms on which it was borrowed.

So, Mr. Speaker, I would like the Ministry to take very serious note of the areas which are badly hit by the question of loan repayment at times when they consider price review.

The Speaker (Mr. Slade): It is time now for me to put the question of the amendment and call on the Mover to reply.

(Question, that the first part of the amendment, that the words to be left out be left out, put)

The Speaker (Mr. Slade): I think the Noes have it.

(Question put and negatived)

(Debate on the original Motion resumed)

The Speaker (Mr. Slade): I now call on Mr. Khaoya to reply.

Mr. Khaoya: Mr. Speaker, Sir, I want first of all to thank—

The Assistant Minister for Agriculture (Mr. Kariuki): On a point of order, Mr. Speaker, I do not agree that the Noes had it.

The Speaker (Mr. Slade): You could always call for a Division.

The Assistant Minister for Agriculture (Mr. Kariuki): Mr. Speaker, Sir, I call for a Division now.

The Speaker (Mr. Slade): You are too late now.

Mr. Khaoya: Mr. Speaker, Sir, I am very glad for the support I have received from hon. Members this morning. I think the Government should agree with us that what we have asked is only fair. We have asked that the Government should review the prices. From what I heard from the Assistant Minister—all that he said was that they were about to review. If they are about to review, and that is what we are asking them to do, then it is only fair that we agree with them.

Mr. Speaker, leaving that aside, because that has been decided on already, I would like to deal with some of the points which have been raised by my hon. colleagues in the course of their speeches.

The first one was that dealing with diesel and fertilizer subsidies which the Government has already extended to the farming community.

DIVISION

The Speaker (Mr. Slade): Mr. Khaoya, I think I must interrupt you. I am not quite sure I was fair to Mr. Kariuki, because, before sitting down, I called on the Mover straight away, I think.

You asked for a Division. I agree there was some doubt. So I think we must have a Division and I will put the question again.

I apologize for my mistake. Your time for replying, Mr. Khaoya, will come when we have dealt with the Division.

Ring the Division Bell.

(The Division Bell was rung)

(Question put and the House divided)

(Question carried by 16 votes to 10)

AYES: Messrs. Godana, Godia, Kago, G. G. Kariuki, J. M. Kariuki, ole Kipury, ole Konchellah, Lawi, Munoko, Mwaura, Ngala, Njeru, Njiiri, Nyamweya, Osogo, Shikuku.

Tellers of the AYES: Messrs. Nyamweya and Khaoya.

NOES: Messrs. Asiba, arap Biy, Chirchir, Ithirai, Khaoya, J. M. Koinange, Seroney, Tuva, Tialal, Wario.

Tellers of the NOES: Messrs. Ithirai and Odero-Jowi.

ABSTENTIONS: Messrs. Abdillahi, Ogle and Wasonga Sijeyo.

The Speaker (Mr. Slade): That being so, hon. Members, I have to put the second part of the amendment, which I presume will be carried.

(Question of the second part of the amendment, that the words to be inserted in place thereof be inserted, put and agreed to)

(Question of the Motion as amended proposed)

The Speaker (Mr. Slade): Mr. Khaoya, you can now reply.

Mr. Khaoya: Mr. Speaker, Sir, I wish to reply to some of the points that have been raised this morning. As one of those who have learned to live with democracy, I take the majority decision with pleasure.

There was the question of the diesel and fertilizer subsidies which was presented this morning by the Government. The first thing I would like to say is that we are grateful for the attempt—but this is the sort of attempt that one gets when a sick person gets what they call palliatives instead of getting drugs which can actually attack the disease. Here the case was to try to reduce the cost of production, per acre for instance. In reducing the cost of diesel, the exercise should have been in such a way that the cost of diesel here, per gallon, would have compared with the cost of a gallon of diesel in the United Kingdom. In the United Kingdom I understand the price is Sh. 1/70 a gallon; in Kenya, today, it is more than Sh. 4. Therefore, if two farmers, one in Kenya and one in the United Kingdom, are each ploughing an acre, obviously the one in Kenya is at a big disadvantage. When the Government announces a reduction of 7 cts. a gallon, this is a mere insult. I would only ask the Government that, when they want to take remedial actions, they should do it properly and not by such half-measures.

Mr. Speaker, there was the question of considering the balance between the consumer and the producer, which was aired by the hon. Ngei. Here I would like to say one thing: a case was put this morning about me and several of my colleagues talking about the disparity between the prices the producer gets and the prices which the consumer is paying at the end of the line. Here we get a case of—should we borrow some words from the Bible—a middleman reaping where he never planted. I think our exercise here is not that we should tax the consumers more but that we should let the consumer continue to pay what he is paying now—if it is Sh. 24 for a gallon of milk, as they are paying now at the hotels, so let them continue to pay because they are paying—but the middleman should not be

[Mr. Khaoya]

allowed to come and buy from me at Sh. 2/40 a gallon and then be able to make a profit of Sh. 18 on that same gallon without any costs at all to justify his price. This is the sort of area into which we would like the Government to look.

There was then the question of the rising costs of machinery. This is a challenge to our Prices and Costs Committee, which we understand is operating in Kenya. We were told recently that there was a devaluation in Great Britain and that things would now be cheaper from Great Britain. However, we have seen the contrary; we have seen that the price of machinery has always been going up despite the fact that there was devaluation in Great Britain. I think the Prices and Cost Committee should immediately examine to see whether or not we can do something about the prices of machinery coming into this country.

Mr. Speaker, there was also the question of market limitations which the hon. Ngei referred to. I need only remind him that at the Maize and Produce depots a lorry of maize comes in and the maize is rejected because of being bad; at Sh. 25 it is rejected; and then the farmer very happily gets a permit and now goes to the local market and sells that rejected maize at Sh. 60 a bag. Surely you cannot convince me that there is no market here, because I know there is a market. If there was no market, then the rejected maize could not fetch twice the price that the good maize is fetching at the Maize and Produce Board.

Mr. Speaker, the other thing I would like to tell the Assistant Minister is that he gave us some advice that he felt we should convey to our constituents. However, I thought that it was very bad advice indeed for him to give us, because that implied that he assumed that we have not been giving such advice. We have been hearing radio announcements, one after the other, saying that such-and-such a Member of Parliament has been asking his people to follow the advice of the Agricultural Department. Has he not been listening to these announcements? If the Ministry wants to know whether agriculture is effective or not, let them take a graduate from the university who has completed his graduate work and ask him whether he would prefer to go into straight farming or whether he would prefer to go into a managerial position in Nairobi. When he gets a graduate who is prepared to go into farming straight away from the university, then he will know that agriculture, today, is attractive enough. We have been told that we must go back to the land. One of my colleagues has told the House this morning that you do not go to the land unless

it is attractive. That is the point we would like our Government to know; we can only go there if there is some shelter there, but if you find everyone running away from there and coming to the towns, there must be some trouble there. Every day you find people coming to the city, and every day people are arrested for having come here, illegally so they say, and sent home and the following morning you find them coming to the city again. What are they running away from? There must be something and that something is economic. That is why we bring this Motion today, to ask the Government to see that there is something wrong there and it must be corrected if you want people to stay there.

Mr. Speaker, there is another aspect into which I would like to go, and this is the question of statutory boards. We have seen the Ministry dismantle one board after another: there was the case of the Coffee Board which was dismantled; there was the question of the Kenya Meat Commission; and then there was that one of the pig industry. I think that this has been done for no good purpose at all because even with all that dismantling, up to now we do not see any change in the services. Therefore, I think there must be somebody in the Ministry who is giving all these directions, and I think that person should be examined to see whether he has been giving the right directions or not.

Mr. Speaker, I said at the beginning—and I will repeat again—when I moved this Motion, that my views are not a reflection on the ability or otherwise of the Minister for Agriculture because I think, and believe, that the Minister for Agriculture is one of the most capable Ministers that we have in the country. He has the disadvantage of having a white skin, but he is not any different from the hon. G. G. Kariuki simply because he does not have a black skin. The words of His Excellency, Mzee, are that the hon. McKenzie has a black heart; and I agree that it is so black that it is even blacker than mine—and if it is not black, we have recently had medical advancement which can enable us to transfer a heart from somebody and put it into somebody else. The other day I understand that a dentist in South Africa, Dr. Blaiberg, was very happy with somebody else's heart.

Therefore, I think that here we have to give praise where it is due. The Ministry of Agriculture, the Minister himself—and of late his deputy—have been quite active.

Mr. G. G. Kariuki: On a point of order, Mr. Speaker, is the hon. Member relevant to talk about black and white skin? How does that come within the scope of the Motion?

Mr. Khaoya: The Minister for Agriculture.

The Speaker (Mr. Slade): No, except that the colour should be ignored.

Mr. Khaoya: Mr. Speaker, I know he was talking very busily and that is why I referred to him and now he is listening.

Mr. Speaker, one day I said, and I will repeat, that there was a discussion one day between a man and his son and the son said, "Father, my name is Jimmy; all I want is good food and some shelter." I think that little discussion very well fits in with the conditions of the farmers in Kenya. All we want is some shelter and some good food, and this shelter we are not getting at the moment. That is why we now ask the Government to speed up with whatever they have promised they are going to do.

Mr. Speaker, with this I beg to reply.

(Question of the Motion as amended put and agreed to)

Resolved accordingly:

THAT, in view of changed circumstances, and in realization of the part played by agriculture in our economy, this House notes the action the Government is taking to review the price structure of Agricultural produce with a view of giving a fair return to the farmers.

MOTION

SEPARATE EDUCATION VOTE FOR LOCAL AUTHORITIES

Mr. Godia: Mr. Speaker, Sir, I beg to move:

THAT, while appreciating the most excellent efforts being undertaken by the Minister for Local Government to save the Local Authorities from collapsing financially, this House recommends that the Education Vote in all local authorities be kept under a separate vote in order to save education from becoming the victim of any local financial embarrassment.

Mr. Speaker, Sir, this Motion is a straightforward Motion and, in fact, it speaks for itself. We know that the Minister for Local Government has an interest in the local authorities. He has in the past—a number of months ago—taken steps to post financial advisers to local authorities in order that the advisers might assist the local authorities in the preparation of their estimates of expenditure.

Mr. Speaker, Sir, the financial advisers had, in fact, been appointed and I know that when Kakamega County Council, when it collapsed financially, had services of a financial adviser. I think the adviser did his best.

Mr. Speaker, Sir, even with Kisumu Council, that is the old Central Nyanza County Council—which now comprises Kisumu and Siaya District County Councils—when it collapsed and came tumbling down, it already had services of one of these financial advisers. I think, Sir, that most of these advisers were expatriates who were not very interested in staying in Kenya because they were a bit worried about the state of affairs in this country, and perhaps this is the reason why the county councils in areas where they were serving began doing badly in that way, simply because the officers were not really Kenya citizens and they were not interested in staying here but were only interested in making a bit of money and then go away and retire permanently.

Mr. Speaker, Sir, we must pay tribute to the Minister for Local Government for doing his work because it was his efforts that saved the county councils from collapsing. He has tried, and he is still trying, and we thank him very much for the efforts which he is putting into his work.

Mr. Speaker, Sir, some time back the Minister for Local Government told this House that he was considering appointment of auditors who would assist local authorities in auditing accounts and in bringing their accounts up to date. This work is going on and this is an effort that will help raise the standard of work in the local authorities. I, myself, thank the Minister for taking this action because this is trying to save our local authorities from collapsing.

Mr. Speaker, Sir, the intention of my Motion is merely to try and help the Minister in his work in trying to save the local authorities. It may be remembered that in the past, during the colonial times, this country had established institutions in the local authorities which were responsible for education. These institutions were known as district education boards. These boards were in every district and they were responsible for the educational policy in each district in which they were established. The county education officer, or the district education officer, was responsible to these boards as their executive officer. The revenue to these boards was merely fees and grants from the Central Government and the money was spent merely in the payment of salaries to teachers and in buying school equipment.

Mr. Speaker, in this way the policy of the Ministry in each local authority was properly handled and the work which the boards did is appreciated by everybody in this country. These boards laid the foundation upon which we are now working. I think that when we became independent we did not think that these boards were

[Mr. Godia]

necessary and we did not think that we could make use of their services; and so, under an Act of this Parliament, these boards were abolished. Mr. Speaker, Sir, since Kenya became independent and since the local authorities have been looking after themselves, we have had very many problems in very many districts.

I cannot remember once, during the colonial time, when any district ran short of salaries for teachers. Mr. Speaker, Sir, I think this was because the Government was very careful, and I think that it is not bad for the House to remember the good work which they did. There was never any financial embarrassment in any county council, and therefore there were no irregularities such as the ones we get from week to week.

Mr. Speaker, Sir, when a parent pays fees for his child, maybe that is all the money that the parent gets in his income, and therefore, it is in the interest of the parent that once he pays the fees for his child, the child should get education for a complete year. But this is not the case now. When a parent pays the fees to a county council which is financially poor, some of the money is used to pay the people working on the roads, health centres and other places; and so, as a result, many county councils decide to close schools because they do not have enough money to pay the teachers. Well, the parents give all they have in order to pay fees for their children.

We do not think that it is fair to make the children suffer. We should not leave the children to suffer, and we should not leave the parents to suffer—this is a matter which we should look into and find ways and means of helping the young pupils and the poor parents.

Mr. Speaker, Sir, this time we have a problem. Right now, Mr. Speaker, Sir, in South Nyanza there are 2,000 teachers who have gone on a sit-down strike. This is because there is no money to pay them and therefore they have decided to be on a sit-down strike. This is an appalling state of affairs. Mr. Speaker, this having began on Wednesday, the children might—throughout this week and perhaps next week—not receive instruction from the teachers due to the fact that there is no salary.

It is important, Mr. Speaker, Sir, that teachers attend school—

QUORUM

Mr. ole Kipury: On a point of order, Mr. Speaker, Sir, the House is almost empty. Do we have a quorum?

The Speaker (Mr. Slade): We have no quorum, but actually we do not worry unless you take objection to the fact, Mr. Kipury. You are

entitled to, but under the Constitution it is only if an hon. Member takes objection to the lack of quorum when I have to take the action. You do actually object, I take it?

An hon. Member: Yes.

The Speaker (Mr. Slade): Ring the Division Bell.

(The Division Bell was rung)

Mr. ole Kipury: I said that I had no objection.

The Speaker (Mr. Slade): I am sorry. No objection. We take no notice in that case. Stop the Division Bell.

An hon. Member: Very good.

The Speaker (Mr. Slade): I should explain, hon. Members, that it is only on further study of the Constitution that I realized that this is the actual wording; that if an hon. Member takes objection to the lack of quorum, the Speaker has to take action. So, the mere drawing of attention to the lack of quorum does not of itself necessitate action.

(Resumption of debate)

Mr. Godia: Mr. Speaker, Sir, I was saying that in South Nyanza, teachers go to schools where they work, but instead of going to teach in the class-rooms they sit idly outside the classes. All the time there is a lot of trouble at the schools. This is a bad affair, as a result of teachers protesting over the salaries due to them, having not been paid. South Nyanza, Mr. Speaker, Sir, has not the money to pay the teachers. It has not had enough grant from the Central Government to pay the teachers in the month of May. Mr. Speaker, Sir, this is why they are on strike, and they are right to go on strike so as to press that they be paid in a better way.

Mr. Speaker, Sir, while we are discussing these affairs here, I think the teachers should be human and know that their problems are being dealt with by the Minister for Local Government. They should begin to work.

I would like the Minister to promise, when replying, that he will send instructions to the Kenya National Union of Teachers asking all the teachers of South Nyanza to resume work on Monday; and he should, meanwhile, send the money required to the South Nyanza County Council so that, within next week, the teachers will be paid their salaries.

Mr. Speaker, Sir, in South Nyanza again, apart from 2,000 teachers who are on strike, about 1,000 teachers have been sacked because there is not enough money to meet their salaries. The 2,000 teachers who are on strike are sure to stay in their

[Mr. Godia]

job; but no provision has been made available for paying the 1,000 teachers, and therefore they will be unemployed.

In other districts, for example in Bungoma, there are 112 trained teachers who have been dismissed because there is not enough money to pay them. Take for example, if a teacher is supposed to teach about 40 pupils here in Bungoma, we can see that 480 pupils are without a teacher. This is not their mistake; it is the mistake of the Government.

Mr. Speaker, Sir, in Kakamega, already 100 trained teachers have been dismissed. This means that if a teacher is to teach 40 pupils, in Kakamega there will be 4,000 pupils without a teacher, and this is a very grave situation.

Mr. Speaker, Kisii has dismissed 330 trained teachers. This is simply because Kisii District has not enough money to pay the teachers, and here it means that about 13,200 pupils will be without a teacher if each teacher is to teach 40 pupils. That is the loss that Kisii is receiving and this is an appalling state of affairs.

Mr. Speaker, Sir, if I consider Kitui, there are 179 teachers who are being dismissed. This is still due to lack of money, and here it means over about 7,100— It means that about 7,160 pupils are going to be without teachers. According to my information, Mr. Speaker, it means that about 1,820 teachers, or roughly in round figures 2,000 teachers, are being laid off due to lack of money to pay them in the local authorities. If we consider this in figures, it means that in this country about 80,000 boys and girls, who need teachers, will not be taught because these teachers have been laid off. I ask the Minister for Local Government to see that something is done.

Mr. Speaker, Sir, it is known that equipment in schools is being handled by three Ministries. There is an English saying to the effect that "many cooks spoil the broth". There is no need to have three important Kenya Ministries handling equipment, which is merely one little item.

An hon. Member: There is no alternative.

Mr. Godia: The Minister is telling us that there is no alternative, but in the past the local authorities used to handle equipment without difficulty. That is why I suggest that if this matter is left to the local authority, each local authority has its own education board and they can determine how best to spend money on equipment, and the schools will not suffer as they do now. The Ministry of Education is responsible, and it should be responsible. The Ministry of Local Government should pull out of education and

allow the Ministry of Education to handle these affairs, particularly equipment. This should be done more easily if one Ministry handles the whole thing, rather than having it handled by three Ministries. When there is a mistake, one Ministry blames another one. We are now discussing this with the Ministry of Local Government. The Ministry of Education is not here. This is an appalling state of affairs. It appears there is no co-operation. When we are discussing matters of this type, the Ministry of Works should be here, the Ministry of Education should give their views because this affects their Ministry—and yet only one Ministry, the Ministry of Local Government, is represented here. This state of affairs is appalling. That is why I say it is not good to allow more than one Ministry to handle this item. We should leave the matter entirely with the Ministry of Education, and the Ministry of Education should recommend to the local authorities that they make their own arrangements for the supply of equipment to schools. It should be their work to advise the local authorities where to get the equipment cheaply, because they are interested in getting equipment to the schools, rather than having equipment transported from Nairobi to Busia or Mombasa. There are cheap shops in Kakamega or Busia where such equipment could be purchased and supplied to local schools.

Mr. Speaker, I think this state of affairs is unfair, and we should not allow it to continue in our schools. The children are suffering, the parents are suffering, people are complaining. Now we have brought the matter to this House, maybe somebody will report on it and action will be taken. This is unfair.

We thank the army for supplying equipment to schools, but this should not be the work of the army. We do not expect the army to do this every year, to send their lorries to supply equipment to schools. This was an emergency, and we should now ask each local authority to normalize the situation. I hope the Minister for Local Government, who is going to reply on this Motion, will look into it. Let the pupils and innocent parents be allowed to have their freedom.

We should recommend that the education vote in all authorities be kept separate. Instead of it being put into the general pool, where it is used to pay the salaries of administrators or road gangs or people in health centres, it should be used entirely for the purpose of education.

Mr. Speaker, Sir, this is a straightforward Motion, and I do hope that the Ministry of Local Government, which is very concerned in seeing that local authorities do not collapse, will help us.

With these few words, I beg to move.

Mr. arap Bii: Mr. Speaker, Sir, I would like to congratulate the Member for Hamisi who has seen fit to bring this Motion to the House. The Motion in itself has a lot of meaning, and any intelligent Members of this House as well as the Ministers will support it without further defence.

The hon. Mover has made us think back and look at the Colonial Government of this country when we had district education boards, provincial education boards, which were looking after the educational interests of our children in the various local authorities. When there was anything good in the Colonial Government, I think we must give credit, and that credit is due to them because they knew very well that education was the backbone of any country in the world.

This Motion states clearly that the House appreciates what the Minister for Local Government, with his Ministry, has been doing to help in assisting local authorities and preventing them from collapsing financially. We would therefore like to recommend to this very Ministry that they authorize all the local authorities to keep separate votes for education. If this were done, the problem of laying off teachers, lack of school equipment, and so on, would be overcome. This is a fine idea which the Member for Hamisi has brought before the House, and for that matter before the Ministry of Local Government.

Before I go further, Mr. Speaker, I would like to request that the machinery of Government looks into these various portfolios within given Ministries. The policy on education in this country is never made clear to anybody. We do not know whether the Minister for Local Government is in charge of education or if the Minister for Education himself is in charge of education, or if it is the Minister for Works or the Minister for Planning, or the Minister for Defence, for that matter. This is absolutely shameful. We would like the Minister for Education to come out in true colours and take over the whole system of education from the hands of the Minister for Local Government. Local Government has a lot of work to do with the local authorities. Health centres will remain with the local authorities; water supplies will still be with the local authorities; roads will still be with the local authorities, and so on. We would like to see a change, and I think I shall be bringing a Motion to this House fairly soon to urge the Minister for Local Government and the Minister for Education to define exactly where the education policy—especially in regard to primary education—stands.

Mr. Speaker, Sir, we would like to have this vote being separate and every county education officer being an accounting officer for that vote.

He will be in charge of that vote and will be the man responsible, with his education committee, for the whole planning of the year's programme for primary education within his local authority. They would be able to sit and plan how many teachers would be in the country for the whole year, say 1970, how much money would be put aside for school equipment, how much money would go for teachers' salaries, and so on. If this were done, we would save this embarrassment which occurs from time to time. How often have we heard of teachers being laid off, as the hon. Member has already described? So many times.

Let us look at other employees of local authorities. For example, take the Clerks' department. How many have been laid off. Probably there have been a few cases in the engineers' department, just a few unskilled labourers are laid off. However, in most cases they are never touched. Teachers have become the victims of this shortage of finance. We would like the Minister for Local Government to take this question of teachers' salaries seriously, as well as the whole education vote in various local authorities, before the Minister for Education takes over the whole thing. This is rather cumbersome. The Ministry of Education trains teachers, trains all the institution tutors. When those teachers come from the colleges, they go to somebody else, and that person can easily say "there is no more money," and so they have to leave. This is terrible. A trainee in a teachers' training college costs not less than Sh. 4,000 a year to train. That is what is spent on him. That is public money, and if that individual is laid off after his two years' training, it means that over Sh. 4,000 has been wasted. We would like this to be looked into very carefully.

Mr. Speaker, we have a problem with secondary school bursaries. These should also come in the education vote. Take, for example, my own county council of Kipsigis. Usually, they allocate so much money for secondary school bursaries, about £2,000. Up to now, the money has never been approved by the Minister of Local Government. Many students are now being sent away from their respective schools, and yet there is money for them. The county council knows too well that they have that money, but the Ministry of Local Government here is sitting on the whole thing. This is a great shame, and that is why we would like to have the whole education policy redefined, so that we know where we stand. When I was on my overseas tour early this year, I learnt with pleasure that in a class of 20 pupils they have four teachers. For a class of only 20 pupils, they have four teachers. Every teacher is assigned to one or two subjects. I know this country is not mature enough, financially, to conduct such a

[Mr. arap Biy]

programme, but at least we should try to assign one teacher, say, to 30 pupils in every school. The whole thing has now risen until there are 40 pupils per teacher.

An hon. Member: 50.

Mr. arap Biy: Mr. Speaker, these teachers are again laid off because there is no money and then 50 children are left lying idle; they have paid their school fees and their parents have exhausted themselves and they are left just wandering about in the various classrooms. This is what we do not want repeated any more, and the Motion asks the Minister for Local Government to take this and have it put into practice.

With these few remarks, Sir, hoping the hon. Minister for Local Government is going to take something out of it, I beg to second.

(Question proposed)

Mr. Omweri: Mr. Speaker, Sir, this is a genuine Motion which has been prompted by the repeated problems we usually see in our county councils and the problems to which our children are put.

Mr. Speaker, although financially we mean teachers, the emphasis concerned must be how much the Government thinks of the children who are left to suffer. These are our Kenya youngsters who will be our helpers in the future and they are the people of whom we are the guardians and, therefore, we must protect them from this problem of finance.

Mr. Speaker, Sir, the Motion is very clear; it only asks that this vote of education be kept separately and, therefore, the Government, when giving its grants from here, will know that this money will be sufficient to finish the job for the whole year without any problem. However, if we leave the situation as it is at the moment, the rates, the grants from the Government, all go into a pool and we do not have proper work from these people because of the lack of technical accountants, and so we find ourselves in a complete mess where children are left without teachers because the teachers are not paid for a long time. We know very well that nobody likes to work without receiving a salary, or an assurance that a salary will come.

In this case, Mr. Speaker, I entirely agree with the Mover that this vote must be separated from all other votes in the local authorities and we must make sure that the Government is responsible for this vote.

Mr. Speaker, Kanu as a party rejected this problem of divisions and regions and all these other

decentralized services, but education has remained behind when all the others have been centralized. We know when the *Majimbo* Constitution was amended, education was left to these local authorities—the responsibility for looking after education in each area was left to local authorities. However, at the moment we feel that it is high time that the Government felt responsible and answerable to the people so that in education it is the Government whom we can blame for poor planning and not the local authority. If this happens, we will then conform with the Kanu manifesto which put us into power. This manifesto clearly indicated that the Government will be responsible for seeing that education planning is geared by the Government and everybody is assured of good education in the future.

Mr. Speaker, we still talk of free education, and I know that the Government is working towards this. However, it is very difficult to work towards that stage unless we, first of all, unify to make sure that everybody in the country benefits, and at least every child of school age is able to get education. Therefore, the first step must be that we must unify the whole of education in the local governments so that thereafter we can make sure that we are going to give education to all children in the country, then from there we can jump to the last step of free education. If this is our aim, then this Motion is the right one because it is a very good beginning and there is no reason why the Minister should not support this.

I know we are going to be questioned on education; we will be asked to say what have we done for our country in an endeavour to make sure that everybody is educated and given to understand how Kenya is moving, and also the world around us. We have a responsibility to our people, we have a responsibility to our children, and it is the State which is responsible for these children because they are children of our State; they are not citizens of our local authorities, they are citizens of this country and they must be given every opportunity and every right to acquire education without being hampered simply because one county is mismanaged or it is financially not capable to provide education. Where this happens the Government must take over.

Mr. Speaker, Sir, we know in the past Government used to help primary schools; Government used to have boarding schools which were catering for primary education. These days there is not anything of that nature; they have moved away from boarding, and we agree with this because it means that we want to expand more and make more room for more children. There is no reason

[Mr. Omweri]

why you should want to have more people under your care when there is no food for them to eat. It is better that we tell them the truth, and we feel that the truth is that the Government is capable to help our children to get as much education as they need and, therefore, this Motion should be supported and the money which used to be given for boarding facilities should be used for making sure that there are no teachers in the country who go without their salaries and therefore go on strikes, which deprives our children their entitlement of education.

Mr. Speaker, I think the Assistant Minister, who might be ready to reply to the Motion, should take note that the Ministry of Local Government recently handed over some responsibility of supply of equipment to which the previous speakers have referred. This was a move to centralize the services of education. One other step which we would like to add to this move is to make the votes also under one unit. We have already moved on the supplies and we are not going to have supplies given here and there with somebody else being in control of the money at the other end; it has been centralized. This should also be centralized if possible. One step is to make this one vote and then when you get the aggregates from all the authorities you will get a really good unit which is centralized and looked after by the Ministry concerned so that there is not any further embarrassment on this part of our education.

Mr. Speaker, I see the red light is showing and I hope that the Minister has taken note of what is happening, and I wish to support.

ADJOURNMENT

The Speaker (Mr. Slade): It is time now for the interruption of business and so I will adjourn the House until 2.30 p.m. on Monday, 9th June 1969.

*The House rose at thirty minutes
past Twelve o'clock.*

WRITTEN REPLY TO QUESTION*Question No. 94***NUMBER OF EXPATRIATES IN GOVERNMENT
MINISTRIES AND DEPARTMENTS**

Mr. Kebaso asked the Minister of State, President's Office, if he could give the breakdown of all expatriates still serving in each of the Government Ministries, including Government Departments, the Army and Police Force (excluding female secretaries).

The Minister of State, President's Office (Mr. Koinange): The breakdown of expatriates who are non-Kenya citizens in the Government Ministries and departments as at 31st March 1969, was as follows:—

| | |
|--|--------------|
| 1. Office of the President | 65 |
| 2. Ministry of Home Affairs | 185 |
| 3. Ministry of Finance | 30 |
| 4. Ministry of Economic Planning and Development | 6 |
| 5. Ministry of Agriculture | 222 |
| 6. Ministry of Defence | 19 |
| 7. Ministry of Health | 424 |
| 8. Ministry of Local Government | 13 |
| 9. Ministry of Works | 225 |
| 10. Ministry of Power and Communica- tions | 40 |
| 11. Ministry of Labour | 47 |
| 12. Ministry of Tourism and Wildlife | 34 |
| 13. Ministry of Lands and Settlement | 106 |
| 14. Ministry of Housing | 7 |
| 15. Ministry of Information | 84 |
| 16. Ministry of Natural Resources | 36 |
| 17. Ministry of Co-operatives and Social Services | 9 |
| 18. Ministry of Education | 1,542 |
| 19. Attorney-General | 37 |
| 20. Judicial | 41 |
| 21. Public Service Commission of Kenya | 1 |
| 22. Exchequer and Audit | 21 |
| 23. National Assembly | 1 |
| TOTAL | 3,185 |

Monday, 9th June 1969

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:—

Trade Agreement between the Government of the Republic of Iraq and the Government of the Republic of Kenya.

(By the Minister for Housing (Mr. Ngei) on behalf of the Minister for Commerce and Industry (Mr. Kibaki))

Kenya Meat Commission, 1968 Annual Report and Accounts.

(By the Minister for Agriculture (Mr. B. McKenzie))

NOTICE OF MOTIONS

AMENDMENTS TO STANDING ORDERS

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT, Standing Orders be amended—

(a) by adding at the end of Standing Order 4 the following paragraph:—

“(10) Notwithstanding anything to the contrary hereinbefore appearing, if there is not more than one candidate who has been duly nominated, that candidate shall be declared forthwith to have been elected Speaker, without any ballot or minimum vote being required”;

(b) by substituting in Standing Order 25 (1) for the words “the attention of Mr. Speaker or the Chairman of Committees is called to the fact” in the third and fourth line thereof, the words “any Member objects”;

(c) by inserting in paragraph of Standing Order 61, after the word “majority”, in the second line thereof, the words “and the Noes have not numbered 35 per cent of all Members of the House or more”.

JUDICIAL COMMISSION OF INQUIRY INTO CORRUPTION

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

THAT, in view of the serious allegations which have been made in this House, in the Press and on public platforms about corruption, and in view of the fact that the public is increasingly becoming concerned about these

allegations, this House requests His Excellency, the President of the Republic of Kenya, to set up a Judicial Commission of Inquiry to investigate into alleged corruption in the public service, private sector, nepotism and tribalism in Africanization of business and personnel in the public and private sectors and massive property ownership by civil servants, politicians and some leading personalities in public life and in all areas where allegations of corruption have been made related to execution of public responsibility.

ADMINISTRATION OF SIAYA DISTRICT

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

THAT, this House noting that two years since the establishment of the new district of Siaya, created purposely for the purpose of bringing closer administration and rapid development, no closer administration nor rapid development has taken place on account that most of the officers involved are operating from offices situated in the neighbouring districts, urges the Government immediately to accommodate all such officers at Siaya District Headquarters.

ORAL ANSWERS TO QUESTIONS

Question No. 178

ACREAGE OF NON-CITIZEN PLANTED WHEAT

Mr. G. G. Kariuki asked the Minister for Agriculture and Animal Husbandry to state—

(a) what was the total acreage of wheat planted by non-citizens during the year 1968;

(b) how many acres were planted by Kenya citizens in the same year 1968.

The Minister for Agriculture (Mr. McKenzie): Mr. Speaker, Sir, I beg to reply. It is not possible to give the total acreage of wheat planted by non-citizens during the year 1968 or to give the number of acres planted by Kenya citizens during the same year. The reason is that we did not keep statistics in 1968 giving the breakdown as between citizens and non-citizens.

Mr. G. G. Kariuki: Can the Minister give an assurance that he will tell us the acreage which was planted last year by non-citizens and by citizens when statistics are available?

Mr. McKenzie: Mr. Speaker, Sir, as I explained, last year was 1968 and this is not possible.

Mr. Shikuku: Arising from that reply, Mr. Speaker, will the Minister make it his business to go and look and find out these statistics and give us a reply in this House? Even if it means next session, we would like to know this.

Mr. McKenzie: Mr. Speaker, Sir, as far as 1968 is concerned, it is not possible to do this, other than with a tremendous lot of work which I am not prepared to do at this stage of the development of my Ministry. The in-coming Minister, after the elections, may have time to do this.

An hon. Member: Who is that?

Mr. Chirchir: Mr. Speaker, Sir, is the Minister aware that the foreigners still control wheat-growing in this Republic of Kenya up to the moment? Is he aware of that?

Mr. McKenzie: Mr. Speaker, Sir, first that is another question; secondly, I am talking about 1968, not 1969.

Question No. 132

COMPLETION OF WORK ON GREAT NORTH ROAD

Mr. Galgallo asked the Minister for Works to state—

- (a) why was work on the Great North Road—Nairobi/Addis Ababa which was expected to be finished by 1970 going slow since the shifta war obstacles were now over;
- (b) was the road going to pass through Moyale Boma and, if not, what was nearest distance it would be from the above town.

The Assistant Minister for Works (Mr. Godana): Mr. Speaker, Sir, I beg to reply. The hon. Member must be aware that the construction of the Nairobi/Addis Ababa Road started in a difficult emergency situation, and, in the circumstances, it was impossible for any rapid progress to be made. In those days, the National Youth Service was only able to construct one mile per month.

However, since the last quarter of last year a Ministry of Works Construction Unit has been working on the job and, with the assistance of the National Youth Service, an average of eight miles is completed per month. This is a definite improvement which must be acknowledged.

The project is intended to link Nairobi/Addis Ababa as has been agreed between our country and Ethiopia, and this should pass through Sololo. However, in future, if funds are available, we shall construct Sololo/Moyale link road on the Kenya side.

Moreover, Mr. Speaker, the Kenya-Ethiopia Road is not normally kept into the— The Kenya-Ethiopia Road passes through Sololo, for the information of the hon. Member, and the distance from Sololo to Moyale is 50 miles, which is considered more economical than constructing a link of three miles from Kenya to Ethiopia.

Mr. Galgallo: Mr. Speaker, Sir, arising from the Assistant Minister's reply and while appreciating the difficulties in paragraph (a) of this question, is the Assistant Minister, therefore, prepared—if this road is not going to pass through Moyale—to move the old Moyale Town to Sololo, at Government expense, so as to maintain the solitary stand of that commercial centre on the Great North Road and that part of the country?

Mr. Godana: Mr. Speaker, Sir, although I had difficulties in following what the hon. Member was saying, this much I can gather: I have told him in my first answer that we shall maintain the 50-mile link from Sololo to Moyale, just as we maintain the other roads in Kenya. However, there is a difference in maintaining an international link like the Kenya-Ethiopia link. That one I reject, but we do maintain the Sololo-Moyale Road like any other road in Kenya.

Mr. Galgallo: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he therefore prepared, financially, to divert this road to go through Moyale Town instead of moving Moyale Town to Sololo?

Mr. Godana: Obviously no, Mr. Speaker. I have said that we are going to maintain the Sololo-Moyale Road. However, we shall not link Ethiopia with three miles instead of 50 miles. Regarding the moving of Moyale Town to Sololo, the answer is no. We have great business at Moyale and it is much better for the hon. Member to maintain that town.

The Speaker (Mr. Slade): Next question. Mr. Munyi?

Question No. 142

GOVERNMENT AID TO SELF-HELP SCHEMES

Mr. Munyi asked the Minister for Co-operatives and Social Services if he would tell the House—

- (a) how much money the Government had given since independence for distribution to assist self-help projects in all provinces;
- (b) what the breakdown was in provinces; and
- (c) how much money was given by the Co-operative American Relief Organization or any other international organization.

The Minister for Co-operatives and Social Services (Mr. Ngala): Mr. Speaker, Sir, I beg to reply. (a) The total amount of money given by the Central Government so far is K£354,000.

(b) The funds have all along been divided equally among the provinces, except the Nairobi Extra-Provincial District which has been getting

[The Minister for Co-operatives and Social Services]

less than the provinces because not having the full status of a province. Also, up to two years ago, the North-Eastern Province was getting less but now it receives the same amount as the other provinces. I should also point out that during the current financial year, the Rift Valley Province received a little more funds than the other provinces due to its large number of districts which were considered to be less progressive as compared to the other provinces.

(c) An agreement between the Kenya Government and C.A.R.E. was signed last October. It provides that C.A.R.E. will, for a period of 12 months, supply K£35,000 worth of materials for self-help projects through the Department of Community Development and Social Services. The American Agency for International Development has also been giving valuable materials to selected projects in the normal manner.

Mr. Munyi: Arising from one of the answers given by the Minister, especially the answer to (c), Mr. Speaker, is the Minister aware that Embu, or Eastern Province for that matter, is one of the provinces in Kenya which has been lagging behind as far as the Agency for International Development aid is concerned? The Minister knows it because, for many days, Mr. Speaker, Sir, I have been going to his office and have been mentioning and pointing out that Eastern Province and Embu have been lagging behind. Mr. Speaker, Sir, what is the Minister doing to rectify that, Mr. Speaker—

The Speaker (Mr. Slade): Let us hear the Minister's answer.

Mr. Ngala: Mr. Speaker, Sir, any aid offered to the Kenya Government by the Agency for International Development or C.A.R.E. is considered very carefully as to where it should be directed. In this respect, the Eastern Province has not been discriminated against at all. In fact, the hon. Member knows how kind I was when I went round with him in his own constituency and machines for making blocks for the women around him there, were distributed by me personally from such assistance.

Mr. Kamau: Mr. Speaker, Sir, will the Minister agree to convey the appreciation of this House to those organizations which have voluntarily helped in these donations to promote social work in Kenya?

The Speaker (Mr. Slade): Which, I think includes the Kenya National Fund.

Mr. Ngala: Mr. Speaker, Sir, because the Kenya National Fund is so well known in the assistance it has given this, of course, includes the Kenya

National Fund which has been making a very, very big contribution to self-help projects in the country through, I am sure, your wisdom and leadership.

The Speaker (Mr. Slade): Next question. Mr. Omar?

Question No. 179

EXTENSION OF TRADE LICENCES IN NAIROBI TO NON-CITIZENS

Mr. G. G. Kariuki asked the Minister for Commerce and Industry if he would tell the House how many non-citizens have had their trade licences or notices extended in Nairobi area, and why.

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, Sir, I beg to reply. There have been no extensions of licences in Nairobi or in any part of the country because, according to the law, licences once issued are valid for one year and cannot be extended halfway through the year. In the case of notices, as distinct from licences, there have been 28 traders who have had their licences extended to allow them time to wind up their businesses.

Mr. G. G. Kariuki: Mr. Speaker, Sir, is the Minister aware that some of the non-citizen traders are not intending to empty their shops because they expect that their licences will continue to be extended?

Mr. Kibaki: Mr. Speaker, Sir, I think the hon. Member for Laikipia West should go by facts rather than rumours and gossip, and there is plenty of gossip in the bazaar. The fact of the matter is that the traders have been given two, three or four months' extension for the specific purpose, as I said, of winding up their businesses. At the end of these notices, we are not going to renew them or give them new licences, and the traders who are involved know this very well.

The Speaker (Mr. Slade): Next question.

Question No. 37

KENYA STUDENTS IN COMMUNIST COUNTRIES

Mr. Mbogoh asked the Minister for Education if he could tell the House—

(a) how many Kenya students there were at present studying in North Korea, Communist China, U.S.S.R., Poland and Czechoslovakia;

(b) who had sent them there and who met their expenses; and

(c) how many had completed their courses, especially from the first three countries, in military technology, elements of revolution and the allied subjects but had not been given jobs in the Kenya Government.

The Minister for Education (Dr. Kiano): Mr. Speaker, Sir, I beg to reply. I would very much request the hon. Member to give my Ministry additional time because the compilation of all the information he has asked for regarding students in North Korea, the Soviet Union, Czechoslovakia and Communist China, is not yet available because we are still communicating with our sources of information, namely the Education Attachés in those countries.

The Speaker (Mr. Slade): How long do you think it will take you, Dr. Kiano?

Dr. Kiano: Mr. Speaker, Sir, it is rather difficult for me to estimate, but if I am given another three weeks I may be able to produce the information.

The Speaker (Mr. Slade): It will be put on the Order Paper in three weeks' time then.

Mr. Mbogoh: Mr. Speaker, Sir, I very much appreciate that request, but is the Minister able to tell us how many have already come back, if he cannot tell us who is there?

The Speaker (Mr. Slade): I think we will have it all on one day instead of having two goes at it, Mr. Mbogoh.

Next question.

Question No. 168

RURAL TECHNICAL AND COMMERCIAL SCHOOLS

Mr. Munyi asked the Minister for Education if he would tell the House—

(a) what plans were already underway to establish simple rural technical and commercial schools to train the thousands of school-leavers who were doing nothing in the countryside; and

(b) how many schools of this type had been started in 1968/1969.

The Minister for Education (Dr. Kiano): Mr. Speaker, Sir, I beg to reply, and I wish to thank the hon. Member for raising this question, although it is not quite clear what he means by the "simple rural technical commercial schools". However, I would like, first of all, to congratulate him for setting up a project, which is what we want now, for a technical trade school in his area.

There are 12 secondary vocational and technical schools which started as trade schools during the pre-independence period. The Ministry of Education has improved, expanded and upgraded these schools to secondary school level.

At a higher level than that, the Minister has two institutes: the Kenya Polytechnic and the Mombasa Technical Institute. There are plans to expand all these existing institutions and to develop another one possibly next year.

In addition, the Ministry of Education plans to introduce vocational and technical subjects, known as Industrial Arts, at 15 more secondary schools. There are also plans to introduce commercial subjects at seven secondary schools during 1969/1970, the next financial year.

Further, Mr. Speaker, the Ministry is finding ways and means of assisting two other private vocational and technical training centres. In addition to the Ministry of Education's efforts to provide vocational training for the school-leavers, the Ministry of Co-operatives and Social Services gives financial assistance to some youth centres which also give vocational and technical training in those youth centres. The voluntary bodies, assisted by the communities, have also assisted in this respect and I would also like to take this opportunity of thanking the National Christian Council of Kenya for setting up a good number of village polytechnics for the same purpose.

(b) In the year 1968/69, the Ministry of Education started eight schools giving vocational and technical training as well as seven schools giving commercial arts education in already existing ordinary schools. Therefore, Sir, we are hoping to increase technical and vocational education in as many places as possible.

Mr. Munyi: Mr. Speaker, Sir, arising from that answer given by the Minister for Education, and arising from the fact that the Minister has very fully agreed that one of the ways of eliminating unemployment amongst the school-leavers is by establishing this type of school, is the Minister aware, although he has appreciated what we have done in Embu, the Ministry of which he is the head has not done a single thing whatsoever to help the people of Karumo to establish a technical school, for which they have been fighting for a very long time? Therefore, it is high time that the Minister should tell the House what—

The Speaker (Mr. Slade): Order! Order! You have asked a question.

Dr. Kiano: Mr. Speaker, Sir, I did congratulate the hon. Member for starting this as a *Harambee* project and, in accordance with our practice, if the *Harambee* secondary schools get on well we shall consider assisting them. However, as of now it is still at the formative stage.

Mr. J. K. arap Soi: Mr. Speaker, Sir, would the Minister tell us, as he gave us in one of the answers that in the near future very many schools, for example seven, are going to be converted into such youth centres and the rest for these boys and girls so that they get this training, and is he in a position to tell us where these schools are, in which districts or in which provinces, for that matter?

Dr. Kiano: Would the hon. Member repeat it?

Mr. J. K. arap Soi: I will repeat it as the Minister does not seem to have heard me.

Dr. Kiano: A little louder please.

The Speaker (Mr. Slade): A little louder and a little shorter please.

Mr. J. K. arap Soi: I think there is a fault with the microphone.

Mr. Speaker, Sir, what I am asking is this: the Minister has told us in the previous answer that several schools, like those in Embu, are going to be established in several places in the near future, and for example, he mentioned some seven schools being converted into technical and academic schools at the same time, so is the Minister in a position to tell us where these ones are placed, either provincially or at the district level?

Dr. Kiano: Mr. Speaker, Sir, yes I am quite prepared to do so, it will only take a minute, Sir, and I will not be very long.

The secondary technical schools are: Nairobi Secondary Technical School; Mombasa Secondary Technical School; Nakuru Secondary Technical School; Sigalagala Secondary Technical School.

The second category is known as the secondary vocational schools and these are at Kabete Secondary Vocation School; Machakos, Thika, Rift Valley, Kaiboi, Mawego, Meru and Kisumu.

The regular secondary schools to which we are adding industrial arts, at present, are: Ofafa Jericho, Nyandarua, Kijabe, Mwatate, Siakago, Nakuru Day Secondary School, Emüsire, Aquinas, Dagoretti, Thika, Njiiri High School, Kagumo, Kitui, Homa Bay and Nanyuki.

Agricultural courses have been introduced at Kisii Secondary School, Rapogi, Njoro, Chavakali, Narok, Bungoma and Kangaru. Similar courses are being planned for Kianyaga, Murang'a, Kagongo, Muhoho, Ngerenya, Chika, Maranda, Sawagongo, Mosocho, Chesamisi, Amakura, Sigalame and Musingu.

Commercial arts are going to be introduced at Kabare, Tumutumu, Machakos, Mulango, Homa Bay, Asumbi, Nakuru and Lugulu.

This is what has already been planned and some have already got them and others will be getting them very soon indeed.

Mr. Lorimo: Mr. Speaker, Sir, arising from that answer, why has the Government not so far, seen fit to start technical secondary schools in every area when for example, Chewoyet Secondary School has all the equipment and all tools? Why is the Government refusing to start a

technical secondary school in West Pokot whereas we have the equipment, building, tools and everything?

Dr. Kiano: Mr. Speaker, Sir, I have not refused to do what the hon. Member alleges I have refused. I am acting according to the finances and other resources available to me at the present time; but this is not closing the door. The hon. Member wanted to know how far we have gone in planning and I have indicated how far we have gone.

The Speaker (Mr. Slade): Next question.

NOTICE OF MOTION FOR THE ADJOURNMENT

MATTER OF REPLY TO QUESTION NO. 168—RURAL
TECHNICAL AND COMMERCIAL SCHOOLS

Mr. J. K. arap Soi: Mr. Speaker, Sir, if there is no objection from the Questioner, I would like to move this on adjournment because everything is put up in Thika and Nairobi.

Mr. Munyi: Mr. Speaker, Sir, since it will give us an opportunity to say something, I think it is quite in order, and I give 100 per cent support, Mr. Speaker.

The Speaker (Mr. Slade): Mr. Kebaso, your question.

Question No. 175

PAYMENT OF ARREARS—LOCAL GOVERNMENT
TEACHERS

Mr. Kebaso asked the Minister for Education whether he would tell the House, in view of the fact that teachers were barred by the Minister from participating in the local government elections recently, and those teachers who did not obey this order were asked to resign which some of them did;

(a) whether it was true that those teachers who had resigned during the elections had been re-instated to teaching and paid the arrears of their salaries for the period they were not teaching.

(b) Should that information be true, would the Minister tell the House what circumstances led him to change his former ruling, and from what funds he was paying this amount of money as arrears to those who had not been teaching.

The Minister for Education (Dr. Kiano): Mr. Speaker, Sir, I beg to reply, It is not true that teachers who resigned during the elections were paid salaries in arrears for the period they were not teaching. In view of the above, the second part of question does not arise.

The Speaker (Mr. Slade): Next question.

Question No. 153

AFRICANIZATION OF HEADS OF TRIBUNAL COURTS

Mr. Karungaru asked the Attorney-General whether he could tell the House when the posts of Presidents and Chairmen of all Tribunal Courts would be completely Africanized in the whole Republic.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to reply. I have, on a number of occasions, repeated that it is the policy of the Kenya Government that merit, suitability and qualifications shall be taken into account in appointing Presidents and Chairmen of the tribunals, and preference is always given to persons who are citizens of Kenya.

Mr. Karungaru: Arising from that reply, is the Attorney-General denying the fact that as a result of the Chairman of the Rent Tribunal having been arrested and charged, that in his present post there is a non-citizen who has been promoted to that post? Is he denying that?

Mr. C. Njonjo: I am not denying Mr. Speaker, nor have I been given an opportunity to deny it. I have said that the qualifications necessary for this post, and we are not hiding—the man who has been appointed is a qualified lawyer an ex-judge with ten years' experience—this post requires—This is the Act which specifies the period of five years after being called before you can be appointed Chairman of the Tribunal.

Mr. Onsando: Mr. Speaker, Sir, is the Attorney-General telling the House that after five years of independence, we have not had advocates or lawyers who have had more than six years experience so that they can be appointed to these posts?

Mr. C. Njonjo: That is precisely the position, and I wish the hon. Member will do some research. He will find that there are no Africans in private practice today who have five years experience after being called, except those hon. Members who are in this House.

Mr. Oduya: Mr. Speaker, Sir, if the Attorney-General is really serious would he be ready to accept certain names if we can name these people right way? An example is Collins Omondi in Kisumu, Niruka who was the Clerk to Council and Mr. Waiyaki who was Clerk to Council in Nairobi. If a man can qualify to be a Clerk to Council, why can he not qualify for this position?

Mr. C. Njonjo: Mr. Speaker, Sir, that just shows the ignorance on this matter. My friend the hon. Member who has just put that question, has named three specific persons and he would be surprised to hear that none of them has this qualification of five years, since they qualified as lawyers.

Mr. Mwalwa: In view of the fact that the required experience is five years, does the Minister realize that that is too long a period and it is just to deny the Africans the opportunity of becoming Chairmen?

Mr. C. Njonjo: I am satisfied, Mr. Speaker, and I ask the House to agree with me, that five years is, in fact the minimum that you can call upon to decide these cases. We have had a man already who has a lot of experience but, unfortunately, today, he has been suspended because of certain actions which he did. If you put a man with two years' or three years' experience, the temptations are there and possibly we will be changing these posts every five years. Anyhow the position in law today, is that the person appointed as Chairman, must have at least five years' experience.

Question No. 154

CORRUPT ADVOCATES

Mr. Karungaru asked the Attorney-General whether he would tell the House—

- (a) how many cases of advocates being involved in misuse of their clients' money had taken place in Kenya during 1966/68.
- (b) what legal action, the Attorney-General had taken to protect the members of the public against such misuse of their money

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

This question is somewhat related to the previous one I was answering, and I hope this House will realize the difficulties that we are in. We have had some of our advocates, unfortunately Africans—for we are now talking about citizens, and in particular some Members are talking about Africanization—who have been disbarred because they have misused clients' money. This is a serious professional offence. The period that the hon. Member is talking about, fortunately we have had no cases. I want to assure this House that the law is very strict to all lawyers who undertake clients' work, that they must respect the clients' money, and separate it completely from their own personal income. If they do not comply with the law, the matter is brought before the disciplinary committee and if the particular lawyer is found to be guilty, then he is disbarred from the legal profession, maybe for five years or ten years or maybe for ever.

Mr. Karungaru: Mr. Speaker, Sir, since the Attorney-General has not told this House how many lawyers have been involved, and has he only been giving warning, would he now be kind enough to tell us how many have been involved?

Mr. C. Njonjo: Mr. Speaker, Sir, this House knows that in the past some Members, in fact one hon. Member in this House, who was a lawyer, has been disbarred. He is no longer an advocate. The other one, unfortunately, is no longer with us. I, happily, this year, had him enrolled once again on the Roll of Advocates.

As far as the period the hon. Member is speaking about is concerned, we have had none.

The Speaker (Mr. Slade): We come back to Mr. Omar's Question. Is any hon. Member authorized by Mr. Omar?

Question No. 162

INCREASED FACILITIES, MALINDI HOSPITAL

Mr. Shikuku, on behalf of Mr. Omar, asked the Minister for Health if he would tell the House—

- (a) when the Malindi Hospital would get a full-time doctor;
- (b) what arrangements there were to improve the Malindi Hospital in regard to more beds and other facilities.

The Assistant Minister for Lands and Settlement (Mr. Malinda): Mr. Speaker, Sir, on behalf of the Minister for Health, I beg to give the following reply.

(a) Because of shortage of doctors, it has not been possible to post a full-time doctor at Malindi.

It is hoped that the position will improve in the near future when it may be possible to post a full-time doctor.

(b) It is the intention of the Ministry to develop Malindi Hospital up to a maximum of 100 beds by 1974 if funds are available. At the moment, the out-patients' department is already being extended.

Mr. Shikuku: Mr. Speaker, Sir, arising from the Assistant Minister's reply to (a), when he talks in terms of the future, how long is this going to take? Will it take ten years before they can expect a doctor at Malindi, a full-time doctor? What arrangements is he making in view of the fact that there are so many doctors in town and he can use them to go to Malindi because there are some who employ boys to ask people in the streets if they are sick if they can be attended to?

The Attorney-General (Mr. Njonjo): That is nonsense.

Mr. Shikuku: On a point of order, Mr. Speaker, is it in order for the Attorney-General to shout loudly that what I am saying is nonsense?

The Speaker (Mr. Slade): No, it is not in order.

Mr. Shikuku: Will he withdraw then?

The Speaker (Mr. Slade): Hon. Members do not describe each other's efforts as nonsense.

Mr. Malinda: Mr. Speaker, Sir, if the hon. Member had been listening to what I was saying he would have heard me say that by 1974 we hope this hospital will have 100 beds. So he would obviously know that by that time, if funds are available, it will be possible for us to post a full-time doctor there. There is already a doctor, a qualified doctor, who attends to patients in this hospital on a part-time basis. As soon as funds are available and the hospital has been extended to 100 beds, it will not be long before we can post a qualified doctor to Malindi.

The Speaker (Mr. Slade): Mr. Omar's next question. You have authority, Mr. Shikuku?

Question No. 164

REFUSAL OF TRADE LICENCES AT THE COAST

Mr. Shikuku, on behalf of Mr. Omar, asked the Minister for Commerce and Industry if he would tell the House how many non-citizens had been refused licences in the following districts in 1969; Lamu, Tana River, Kilifi, Mombasa, Kwale and Taita-Taveta.

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, Sir, although I doubt whether the hon. Member is authorized, I beg to reply.

The non-citizen traders that were refused licences in the Coast Province is as follows, by districts:—

| | |
|--------------------|----|
| Mombasa | 67 |
| Kilifi | 69 |
| Kwale | 20 |
| Taita | 15 |
| Lamu | 24 |
| Tana River | 0 |

Mr. Shikuku: Arising from the figures given by the Minister, will he now tell the House whether any of these people who had been refused licences have later been given licences? How many of them?

Mr. Kibaki: Mr. Speaker, Sir, it is quite clear the hon. Member does not know enough about the question because the people who have been refused licences cannot again be given licences. I mean, Sir, there is confusion either in language or in thought.

Mr. Shikuku: Mr. Speaker, Sir, arising from that reply, and knowing very well that my mother and father were not English people and I do not care what mistakes I make in English, is the Minister aware that among the figures he has given,

[Mr. Shikuku]

those who had been refused licences have again been given licences on appeals or through other various ways?

Mr. Kibaki: Mr. Speaker, Sir, the hon. Member persists in—I will not go on. It used to be said that, ignorance was bliss.

Mr. Speaker, Sir, why does the hon. Member want to spread this gossip that people who were refused licences have now been given licences? In reply to an earlier question I explained that licences once refused, there is no review about this. On the other hand, Sir, people who have been given notices that they should terminate by a certain date—*notices*, as distinct from licences—these notices, in about five or six cases, have been extended for short periods of two to three months to allow the trader to wind up his business. I explained that this was a practical position in Mombasa, in the Coast Province, in all provinces, and this is what the hon. Member ought to accept as fact rather than asking us to believe what he pretends to be fact. He is not aware, Mr. Speaker, of the facts in this field. We could have given him these details if he had cared, particularly as Chief Whip, to get himself slightly better informed so as to do his job better.

Question No. 180

MAINTENANCE AND COST OF EXAMINATIONS' COMPUTER

Mr. Onsando, on behalf of Mr. Omweri, asked the Minister for Education if he would tell the House—

- (a) what the cost was of the Ministry of Education computer machine used for marking examination papers. What were the maintenance and repair costs per year;
- (b) how much it did cost the Government to make the Certificate of Primary Education examination by the computer machine. How had this compared with hand marking.

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

The computer device used for marking examination papers is a part of the Treasury Computer. It is used on a rental basis only by us and the cost of this machine per year is as follows:—

- (i) Rental, KSh. 86,400.
- (ii) Maintenance and repair, KSh. 12,960.

As far as (b) is concerned,

- (i) it cost the Government KSh. 320,000 to mark the Certificate of Primary Education examination in 1968 by this machine for 160,000 students;

- (ii) it would have cost the Government KSh. 393,000 with hand marking in 1968.

I should add that this computer is also used by the Government for other purposes in addition to marking examinations and, therefore, it is not expected to sit idle until examination time.

Mr. Onsando: Mr. Speaker, Sir, arising from that reply, is the Minister not aware that after the computer marking the papers, some more papers were marked by hand, and could he tell us how much time and money was spent to re-mark these papers by hand?

Dr. Kiano: As I explained last time, Mr. Speaker, some of the people who used the computer for the first time made mistakes. I have not calculated how much we paid, but these people are being trained and we hope these mistakes will not occur again.

Mr. Okelo-Odongo: Arising from the figures the Minister has given the House, is he not satisfied that it is most uneconomical for Kenya to use these machines since if people were paid the same amount of money they would spend it and, therefore, invigorate our economy?

Dr. Kiano: Economies can differ, Mr. Speaker.

Mr. Kebaso: Mr. Speaker, Sir, it looks to this House, from the figures the Minister has given us, that there was some sort of arrangement of trading between the Minister and the people who were producing the computer machines in England. Will he tell the House why he could not use local manpower instead of enabling someone overseas to make money by producing the computer?

Dr. Kiano: Mr. Speaker, Sir, I did not hear exactly what the hon. Member said in introducing his supplementary question. If I heard right, Sir, there is something that he may have to withdraw. I would like him to repeat his question properly.

The Speaker (Mr. Slade): I did not hear it either. Will you repeat what you said, Mr. Kebaso?

Mr. Kebaso: Mr. Speaker, I said, from the figures the Minister for Education has given to this House, it looks as if the money spent in getting these computers from England was much more than the money that would have been used to pay local manpower.

The Speaker (Mr. Slade): If it is now different, it amounts to a withdrawal of what he said before.

Dr. Kiano: I am grateful that the hon. Member has now stuck to his facts.

In any case, Sir, the amount is less, not more.

The Speaker (Mr. Slade): I think the point the hon. Member was trying to make at the end of it was the same as Mr. Okelo-Odongo. Should we

[The Speaker]

not be using local manpower rather than paying rent to people abroad? That was really what he was getting at.

Dr. Kiano: The same answer applies, Mr. Speaker.

QUESTIONS BY PRIVATE NOTICE

DEATHS FROM STARVATION IN WEST POKOT

Mr. Kassa-Choon: Mr. Speaker, Sir, I beg to ask the Minister of State in the President's Office the following Question by Private Notice:—

- (a) Is the Minister aware that already two persons have died of hunger in Lipkomo Location of West Pokot?
- (b) What immediate arrangements is the Government making to send famine relief food to the 400 families suffering from starvation.

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, Sir, on behalf of my friend, the Minister of State, I beg to reply. We are not aware of the allegation in part (a), and as regards part (b), Government is aware that there was a food shortage, and so, some time ago, maize was sent to this area from the Kitale stores, and, therefore, there should be adequate relief from famine in the area.

Mr. Kassa-Choon: Mr. Speaker, arising from part (a) of the question where the Minister said he was not aware of this, I can give him three names. As a matter of fact, the number has increased by three, it is now five. I will give him just three names. One person was known as Arosi, the second one, Chemochen wife of Madalem, and the third one was Chepokatap wife of Longole-toro. Is he aware of these?

Mr. Kibaki: Mr. Speaker, Sir, I can well believe the hon. Member that these three persons have died, but I said that we are not aware that they died of hunger, as the Member has alleged in the question. There was famine in the area, and in the last month maize and other foods have been sent to this place from the Kitale stores which are quite near. If the hon. Member is saying that the amount sent is not adequate, I would like to hear this, because we would like to be able to do something additional. In this country, as the hon. Minister for Agriculture has said, we have adequate foods in store to feed the whole nation for the coming two years.

Hon. Members: Question, question.

Mr. Kibaki: This is true, Mr. Speaker, Sir, each day the hon. Member goes home, if he does go home, he passes by the new storage bins on the

road towards his constituency, in Kitale, so he must have seen how much maize is stored in Kitale alone, and it is in other areas of the country as well. So when I say there is adequate food, there really is, and he knows it.

Mr. Lorimo: Mr. Speaker, Sir, arising from that answer, and in view of the fact that the people of West Pokot are very grateful for what the Government has done previously, and in view of the fact that now there is a lot of trouble in West Pokot, would he consider this particular place, which the officer visited recently and saw with his own eyes that the people were hungry, and therefore steps should be taken now rather than telling us here that maize has been sent there?

Mr. Kibaki: Mr. Speaker, Sir, this is the kind of thing which all hon. Members in this House, all of us, should learn to refrain from doing. He claims he has not seen the maize which was sent. Only last week, at least 70 bags, I am advised, were sent to this area, and sent by the Administration. Now, there is adequate evidence that the maize was distributed. If the hon. Member says he has not seen it, either he has not been there, or he needs someone to check his eyes, I think.

The Speaker (Mr. Slade): Next question.

Mr. Lorimo: On a point of order, Mr. Speaker, I have been to West Pokot, and—

The Speaker (Mr. Slade): Order! Order! Order! Order! You do not have a point of order.

Next question.

CANCELLATION OF KAKAMEGA'S TRADERS CONFERENCE

Mr. Mwithaga: Mr. Speaker, Sir, on behalf of my friend, Mr. Muruli, I beg to ask the following Question by Private Notice:—

What reasons caused the District Commissioner for Kakamega to cancel a traders' conference on the 31st May 1969, at which all leaders of the district were to speak and for which he had been promised a licence?

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, Sir, I beg to reply. I think the question might have been asked by the friend of the hon. Member, who is the Member for Butere. Mr. Speaker, I am told that the licence was not issued, because after the Member for Butere had applied for a licence to hold this meeting, in the constituency of another Member, that other Member objected to the meeting being held in his constituency without his knowledge and without being assured that he was going to participate himself. I am told then that plenty of the

[**The Minister for Commerce and Industry**] local politicians made it clear to the Administration that no meeting was going to ensue, only confusion, and the two Members were given time to resolve this confusion and the licences would then be given.

Mr. Shikuku: Arising from that reply, Mr. Speaker, is the Minister aware that this was not a political meeting? It was a trade conference meeting, *maendeleo* in other words. Also there have been several licences issued by the same district commissioner for political purposes against the wishes of some of the Members, including the Member for Butere, on two occasions? This was in my area, and when I protested that no licence should be issued for political purposes, the same district officer still issued them. Is he also aware that in Nairobi I have been issued with *maendeleo* licences and collected money here without there being any objection from the district commissioner who believes in *maendeleo*, and that the District Commissioner for Kakamega does not believe in *maendeleo*?

Mr. Kibaki: Mr. Speaker, Sir, there are two parts to this question. The licence was not given for the reason I have just explained, that it appeared in the wisdom of the officer, whom we support, that the two Members, as hon. Members of this House— We have said this before, that when one Member wants to have a political meeting in the constituency of another Member, he should at least have the courtesy to consult and allow the other Member to have a say in such a meeting. Mr. Speaker, Sir, it has even been agreed so in the Parliamentary Group.

As regards the second part of the question, I think the Member is quite false to try and accuse the district officer, or to try and bring the district officer into a political dispute between the politicians of Kakamega District, when the district officer is merely trying to carry out effective administration on behalf of the Republic, and is not himself involved in what the Members in that part are fighting over. In fact, he has no intention of standing in Butere.

NOTICE OF MOTION FOR THE ADJOURNMENT

MATTER OF REPLY TO QUESTION BY PRIVATE
NOTICE: KAKAMEGA TRADERS' CONFERENCE

Mr. Shikuku: On a point of order, Mr. Speaker, in view of the seriousness of this question, I wish to raise this matter on adjournment.

QUESTION BY PRIVATE NOTICE THREATENED TEACHERS' STRIKE

The Speaker (Mr. Slade): Next question. Mr. Cheboiwo.

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

(a) Is the Minister aware of the threat from the Kenya National Union of Teachers of a strike of teachers which is due to take place on the 10th June 1969?

An hon. Member: Tomorrow.

Mr. Cheboiwo:—

(b) If he is aware, what immediate action is he taking to see to it that this will not happen?

Hon. Members: Tell us.

The Minister for Education (Dr. Kiano): I will tell you. Mr. Speaker, Sir, I beg to reply, and before I do so, I would ask your indulgence because my reply is rather lengthy, but it will give the House the entire picture of the situation; and I am also glad that the acting Minister for Labour, Mr. Mwanjumba, is present in the House.

As the Minister for Education, I have noted through the Press media that the Kenya National Union of Teachers has called for a strike beginning on 10th June 1969. It will be recalled that in 1967, this House approved Sessional Paper No. 11, which, in fact, improved considerably the terms of service for teachers and, particularly, in respect of salaries. The Government, in that sessional paper, tried to equate the remuneration of teachers with their academic equals in the Civil Service, and in some categories, such as P.1 and S.1 teachers, their remuneration, financially speaking, somewhat exceeded that of clerical staff with equivalent academic training in the Civil Service. In the case of P.3 and P.2, the remuneration was not very good, but it was more or less equivalent to the junior clerical staff in the same Civil Service. This sessional paper was the third adjustment by the Government in respect of teachers' remuneration since 1962, and it is an indication of the great concern and sympathy that the Government is showing in this matter of teachers' conditions of service.

The sessional paper, to which I have just referred stated, among other things, that there would be set up a Teachers' Service Remuneration Review Committee, which from time to time would review the conditions of service for the teachers, and for this purpose, and in full consultation with the officials of the Kenya National Union of Teachers, a committee was set up late last year for the purpose of reviewing the salaries given to teachers. The Kenya National Union of Teachers earlier this year, therefore, prepared a memorandum in respect of teachers' salaries, and presented it to the reviewing committee at the

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committee's first meeting, which took place on the 22nd April 1969. The second meeting of the committee took place on the 23rd May 1969.

I would like to point out that the same committee, which includes the representatives of the Kenya National Union of Teachers and my Ministry, and also includes the Teachers' Service Commission, are meeting this very afternoon. It is expected that when the committee finalizes its findings, the report will then be presented to me as Minister for Education for consideration by the Government. As the committee has not finished its work, it cannot and has not given me any report. It is for the committee to work as fast as possible in accordance with the regulations under the Teachers' Service Commission Act No. 2 of 1967, section 14. It is, therefore, quite wrong and unfair for the Kenya National Union of Teachers to threaten to call a strike and thus by-pass the committee's work and the regulations of the Act, when the National Union of Teachers are members of that committee which is now meeting. I am happy that the Kenya National Union of Teachers have agreed to continue participating in the meetings of the committee which does indicate that they realize the importance of that committee and the relevant regulations in the settlement of this issue.

With regard to the Code of Regulations which, I understand, was another factor cited by the Kenya National Union of Teachers as a reason for strike—and as I say I learned of this only from the Press release, they have not contacted us—I am happy to say that the Teachers' Service Commission does not require any specific directive from me to meet with the National Union of Teachers for the purposes of discussing this or any other matter. The National Union of Teachers asked the Government for one employer, and the Government granted them this request by establishing the Teachers' Service Commission in my Ministry as their one employer. The Kenya National Union of Teachers is quite free to get in touch with the Teachers' Service Commission for any complaints they wish to raise. I am, in fact, informed by the Chairman of the Teachers' Service Commission that he and the leaders of the Kenya National Union of Teachers have already agreed to initiate discussions on this matter of the Code of Regulations, and the matter of staffing of schools.

I would like to point out that the figures given by the National Union of Teachers regarding under-staffing of schools are being investigated by the Teachers' Service Commission, which has already had preliminary contact with the National Union of Teachers on this issue.

Another matter raised by the National Union of Teachers has to do with the equipment of schools. I am happy to inform the House that the Minister for Works has undertaken to expedite this matter which does come under his portfolio, and which is now progressing very well.

The National Union of Teachers has also complained that I have insisted on appointing the Secretary of the Teachers' Service Commission as the Secretary to the Appeals Tribunal. The National Union of Teachers should do its homework in this regard, because even before I knew of their complaint, I had already directed that somebody else should be considered for the post of the Appeals Tribunal Secretary instead of the Secretary of the Teachers' Service Commission. I must point out, however, that the National Union of Teachers itself has a representative on the Appeals Tribunal, to which individual members of the National Union of Teachers make their appeals.

Thus, if the National Union of Teachers insist on being represented in the tribunal, while at the same time being the true spokesmen of the individual members, they should not complain too much if the Teachers' Service Commission is also represented on similar grounds.

So far, the Appeal Tribunal has been functioning very satisfactorily and I have not received any complaint either from the Teachers' Service Commission or the National Union of Teachers.

I would like to state, therefore, Mr. Speaker, that the Ministry is aware of the rights of the National Union of Teachers to make representations on behalf of the teachers regarding their conditions of service. The machinery to examine these recommendations has been established. At the same time, the National Union of Teachers must avoid making unjustifiable accusations against my Ministry, and myself in particular, when the Teachers' Service Commission, which is under my Ministry, is perfectly prepared to talk with them on any issue on behalf of the Ministry and of myself.

The purpose of establishing the Teachers' Service Commission, was to have ready a body which could deal directly with all the matters affecting teachers so that the Minister would be involved only when a deadlock has arisen. For the teachers to go on strike on the 10th of June 1969, will only make the work of the Salary Review Committee all the more complicated. The strike would also severely affect most adversely the education of our children who would be the chief sufferers as a result of the strike. The teachers, like parents, under the Government must have the welfare of the school children uppermost in their minds and

[The Minister for Education]

behaviour, and whatever disagreement that may arise between the National Union of Teachers and the Teachers' Service Commission, as well as between myself, must continue to be settled through amicable discussion and not through strike action which will benefit no one, and will cause considerable damage to our education system.

Incidentally, Mr. Speaker, the Kenya National Union of Teachers' Memorandum, which they have presented to the committee and which has been referred to in the Press, calls for salary increases which, if implemented, would amount to approximately a £6 million increase for Primary Education alone. I leave it to the Members of the House to make judgment as to the availability of such money at such short notice, and I hope sincerely, that the threatened strike will not take place tomorrow and that sense and mutual understanding will prevail at the meeting which is taking place at this time.

Mr. Cheboiwo: Mr. Speaker, Sir, arising from that long and good answer, this committee which is meeting this afternoon, if they do not agree, that means that the teachers will go on strike tomorrow. What step will the Minister himself take to advise this Kenya National Union of Teachers not to go on strike as he has told us? What specific advice is he going to give to the National Union of Teachers?

Dr. Kiano: Mr. Speaker, Sir, I am not a magician and I do not think I can raise £6 million tonight, but I am happy to state that the Minister for Works who is the acting Minister of Labour, is in constant touch with the National Union of Teachers.

Mr. Kago: Mr. Speaker, Sir, arising from that answer which was given previously by the Minister, will the Minister agree with me that these teachers were frustrated and have been frustrated for two reasons: in the first part, this Parliament, when it passed that White Paper, gave the Ministry six months to review the teachers' salaries, which it never did; and further, just some time I think last week, the representatives from the Ministry could not avail themselves to go and meet the representatives of the Union of Teachers to discuss the problem and so avert the problem? Would he agree himself that these two reasons are the ones which have frustrated the teachers and are those which should be gone into and got rid of?

Dr. Kiano: Mr. Speaker, Sir, I have examined the documents issued as the Press communique by the National Union of Teachers and the item called "frustration" does not appear there as one

of the causes. Secondly, Sir, if I am not present at a meeting and if my Permanent Secretary is not present in the meeting, the hon. Member should realize that the Teachers' Service Commission is in my Ministry and represents the views of the Ministry.

Mr. Mwithaga: Mr. Speaker, Sir, will the Minister agree with me that even if the word "frustration" was not in that document, his own attitude towards the National Union of Teachers and his approach to their demand has actually provoked that situation which he is going to face tomorrow?

Dr. Kiano: Mr. Speaker, Sir, I think the shoe is on the other foot.

Mr. M. Njonjo: Mr. Speaker, Sir, is the Minister aware that teachers in some schools in Thika have gone on strike today? Some schools in Thika have already gone on strike today and the children are not attending school.

Dr. Kiano: Mr. Speaker, Sir, if that is a fact, the teachers are breaking their service regulations.

Mr. Godia: Mr. Speaker, Sir, since salaries is the major problem which compels teachers to go on strike, especially regarding the minimum salary, will the Minister consider recommending to this committee which is meeting this afternoon that P3 teachers should get a minimum salary of £300 per annum?

Dr. Kiano: Mr. Speaker, Sir, I am glad to say that this National Union of Teachers and our Ministry agreed on the composition of the Salary Review Commission headed by the hon. Mr. Wariithi, and this is the place where the National Union of Teachers is making their case and when the case is closed and the work finished, the report will come. If the hon. Member for Hamisi, is considering that figure as the way to settle the issue, he could very well advise the National Union of Teachers accordingly.

Mr. Gikunju: Mr. Speaker, Sir, arising from the explanation the Minister has given as to what is happening, would the Minister tell this House what he is going to do in case tomorrow the Union of Teachers will not pay heed to whatever the step the Ministry is taking?

Dr. Kiano: Mr. Speaker, Sir, I will cross that bridge when I come to it, and right now I am hoping that sense will prevail.

Mr. Okelo-Odongo: Mr. Speaker, Sir, would the Minister agree with me that maybe this strike has been prompted by the news that the Ministers are going to get 20 per cent gratuity?

Dr. Kiano: Mr. Speaker, Sir, I would like to remind the hon. Member that that is nonsense.

Mr. G. G. Kariuki: Mr. Speaker, Sir, will the Minister agree with me that it is a failure of his Ministry to have failed to appoint this committee as soon as this House passed a resolution that demanded a review of the teachers salaries should take place every six months?

Dr. Kiano: Mr. Speaker, Sir, I will not agree to that because it takes some time for the Ministry and the National Union of Teachers even to agree on who are going to be the members of the committee.

Mr. Tsalwa: Mr. Speaker, Sir, I came just after he had started giving reply to this question, but I have a question to ask the Minister. Is the Minister aware that all schools in Kenya are under staffed and for that reason, there is a shortage of 8,000 teachers and this has really frustrated all the teachers in Kenya and that is why they have decided to go on strike?

Dr. Kiano: Mr. Speaker, Sir, in the first place, I do not accept that figure. Secondly, if there is a shortage of teaching staff in our schools, we do not improve it by making the shortage of all the work by those who are teaching going out of schools.

The Speaker (Mr. Slade): Next Order.

NOTICE OF MOTION FOR THE ADJOURNMENT UNDER S.O. 20

THREATENED TEACHERS' STRIKE

Mr. Godia: Mr. Speaker, Sir, since this is a most important matter affecting the whole nation, and since by tomorrow, if the teachers go on strike, the whole country will be paralysed, may I be allowed to move the adjournment of the House to discuss this matter as a matter of national importance, so that I may advise the Minister what to do to avert the strike?

The Speaker (Mr. Slade): Order! The hon. Member is referring to Standing Order 20. It is obviously a definite and urgent matter of very considerable national importance, and I think I must allow it to be raised on adjournment, but only for a short time. One of the rules applying to this standing order is that you do not allow this particular procedure if there is any other early opportunity for discussion. We have had a certain amount of discussion on this question now, but hardly enough, perhaps, for hon. Members to express their own recommendations as to what should be done. Therefore, I will allow the matter to be raised by way of moving the adjournment of the House at 6 p.m. today. The only thing is that it was Mr. Cheboiwo's question, and I think he should have the first claim to move the adjournment. Do you wish to, Mr. Cheboiwo, or do you want Mr. Godia to?

Mr. Cheboiwo: I am prepared to move on the adjournment.

The Speaker (Mr. Slade): You would like to move the adjournment yourself?

Mr. Cheboiwo: Yes, Sir.

The Minister for Education (Dr. Kiano): Mr. Speaker, I do not seek to question your ruling except that the committee is sitting and after they have finished the meeting they are going to meet the Minister for Labour and if this House recommends different things from what the committee discusses it could be making the situation rather worse.

The Speaker (Mr. Slade): That may or may not be unfortunate, but we cannot preclude this House discussing fully such an urgent matter. I trust that the advice tendered by the hon. Members will be of some use; anyhow, I think Government must hear it.

The matter, therefore, will be raised by Mr. Cheboiwo at 6 p.m. today.

The Minister for Works (Mr. Mwanyumba): On a point of order, Sir.

The Speaker (Mr. Slade): I think that perhaps Mr. Mwanyumba is going to point out my mistake in not seeing how many Members support it. How many Members support?

(A number of hon. Members stood in their places)

The Speaker (Mr. Slade): There are more than the requisite minimum. Was that your point, Mr. Mwanyumba?

The Minister for Works (Mr. Mwanyumba): On a point of order, Mr. Speaker, my point of order is this: since the committee is meeting now and since we have had this sort of meeting the whole day—this morning—in the Ministry of Labour, I think the committee should be given a chance to thrash out their differences and report back to Government before this Motion is debated today. I do think the debate here is going to prejudice the talk that is going on now.

The Speaker (Mr. Slade): Order! Mr. Mwanyumba, you are raising again a point that I have already answered.

Mr. Mbogoh: On a point of order, Mr. Speaker, I am trying to seek your guidance on the same point. All these commissions, the Teachers' Salaries' Commission and the Remuneration Commission, have been appointed under an Act of Parliament so that these commissions can listen to these cases, and we could prejudice the case if we discussed it here. Could this not be a case of *sub judice*?

The Speaker (Mr. Slade): Certainly not. *Sub judice* means *sub judice*, which means under consideration by a judge.

We will go on now.

MOTION

AMENDMENT TO S.O. 17—MONDAY SITTINGS

THAT Standing Order No. 17 be amended in paragraph (1) thereof, by deleting the word "Mondays" therefrom.

(*The Minister for Housing (Mr. Ngei) on
5th June 1969*)

(*Resumption of Debate adjourned on 5th June
1969*)

The Speaker (Mr. Slade): Hon. Members, you will see from the Supplementary Order Paper that we are continuing now the debate on the Motion that Standing Order No. 17 be amended in paragraph (1) by deleting the word "Mondays" therefrom. As it was Mr. Kariuki who successfully moved the adjournment of the debate, he has the right to continue speaking now if he desires to do so.

Mr. G. G. Kariuki: Mr. Speaker, Sir, I beg to support this Motion because I think that the majority of Members now will agree to the exclusion of Mondays although the Parliamentary Group has not met.

Mr. Speaker, I think it is something which was unanimously agreed by the Parliamentary Group. All the Members who participated in that Parliamentary Group, by a show of hands agreed that Monday was not a good day for sitting.

This, Mr. Speaker, the President repeated three times and I was surprised to see some Members objecting to what they only a few days ago agreed to.

Mr. Speaker, without wasting a lot of time, because I am sure Members are unanimous on this, I wish to support the Motion.

Mr. Tuwei: Mr. Speaker, Sir, I am completely surprised to hear from the hon. Member that the Parliamentary Group has met since the adjournment of the House while debating this Motion as it was agreed to amend.

Mr. Speaker, Sir, I thought that the Parliamentary Group would meet tomorrow to discuss the matter. During the week-end there was no Parliamentary Group meeting in our constituencies. If one was held at which the Member was present, he should have told this House.

Mr. Speaker, Sir, we still support the Motion as it was adjourned, to remain pending until tomorrow so that we can meet in a Parliamentary Group meeting and raise the matter before the President.

Mr. G. G. Kariuki: On a point of order, Mr. Speaker, would you kindly remind the hon. Member, Sir, that the Parliamentary Group meeting I am talking about was last Tuesday and not tomorrow. He misunderstood me.

The Speaker (Mr. Slade): That is a point of order, if Mr. Kariuki has been misunderstood. Will you continue, Mr. Tuwei.

Mr. Tuwei: Mr. Speaker, Sir, the Member should not be misunderstood any more because he was very clear as he stated, and I congratulate him for making it so clear.

Mr. Speaker, Sir, therefore I wish that this Motion should be reinstated until we meet the President tomorrow so that we will have to bring it back for further discussion in this House, or else withdraw it completely and continue the original Motion as moved by the Leader of Government Business.

Mr. Speaker, Sir, I do not think that we should be double-minded in this House sometimes. Therefore, Sir, I oppose what the misunderstood Member who has already spoken here, that we should wait until we meet tomorrow so that we can bring back what we agreed last week.

Therefore, Mr. Speaker, I beg to move that we still wait for further discussion.

The Speaker (Mr. Slade): I understand, Mr. Tuwei, that you are wishing to move the adjournment of the debate? Did I misunderstand you?

MOTION

ADJOURNMENT OF DEBATE: AMENDMENT TO
S.O. 17—MONDAY SITTINGS

Mr. Tuwei: Mr. Speaker, Sir, I beg to move the adjournment of the debate until the Parliamentary Group meeting tomorrow.

The Speaker (Mr. Speaker): Order! I will have to consider whether I will allow a Motion of that kind, but since the House decided on an adjournment of the debate for the specific purpose of a Parliamentary Group meeting, and whether or not it was a good idea, I think I must allow hon. Members to consider whether they stand by that view. Therefore, I will allow a Motion for the adjournment of the debate if it is seconded. Is it seconded?

Mr. J. K. arap Soi: Mr. Speaker, Sir, we sat here last week and the hon. Member who has just spoken, the Member for Nyandarua, moved that the Motion should stand until we meet as a Parliament Group, and so I fail to understand whether it was technically or legally that something was left out, was it a date or time that was given as to when this Parliamentary Group should meet.

I must confess that I am confused here. I think that if someone says we have met he is more confused than myself. What I am saying is that someone stood here last week and asked for an adjournment of the debate until the Parliamentary

[Mr. J. K. arap Soi]

Group had met. Now, whether it was correct or not, that Parliamentary Group has not met. Why, therefore, should we have the same thing before that Parliamentary Group meeting and discuss it in this House? I think this is illogical.

Mr. Speaker, Sir, I beg to second the Motion that was moved last week that we should wait until we meet in the Parliamentary Group. Whether it was wrong or right, the House actually agreed that we should suspend debate on this Motion until the Parliamentary Group meeting, which is tomorrow or the day after tomorrow—I do not know when because I am not supposed to know. Once we have met, as agreed by this House, then we can bring the Motion as it stands now and we can carry on debating the Motion moved by the Leader of Government Business.

(Question proposed)

The Speaker (Mr. Slade): I think, in the exercise of my discretion, it would be just as well if I put the question immediately.

(Question put and negatived)

MOTION

AMENDMENT TO S.O. 17—MONDAY SITTINGS

(Resumption of debate on Original Motion)

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I have always said we must be frank and not have a half-hearted feeling.

Mr. Speaker, we were in the Parliamentary Group last week, and whoever suggested that we should have another Parliamentary Group meeting to confirm what we had first decided, to me, does not make sense; either vote against a Motion or you vote for it. Now, the point is that the Parliamentary Group met last week and we decided unanimously—and this is minuted—that this Motion be moved here and accepted that in future we should meet from Tuesday until Friday. Now, I was surprised to see that when Members came to this House, they changed their minds within so short a time. I think the only thing that changes is the British weather and it surprises me that this influences the minds of the hon. Members. I thank the Leader of the Opposition, Mr. Jaramogi, for supporting such a move because if we are to do anything for our constituents we have to have this extra day. The only day as a working day is Monday, Mr. Speaker, because Saturday is a day for some people to go to church and Sunday is another day for other people to go to church. Now, Monday is a working day and this is the only day in which we can serve our constituents. His Excellency, the President, is always in his

constituency serving his constituents and he has never failed to be in his constituency on a Monday. We want to rectify this position so that most of us, particularly those of us who are interested in serving our constituents, can have Mondays as a clear day to serve our constituents.

Mr. Speaker, if we are only thinking and talking here of *Wananchi* and not serving them, then I do not see why we should be having double talk. The Member for Nairobi East and the Member for Embakasi is always here in Nairobi and every day at 4 o'clock or at 6 o'clock he can go and see his constituents. However, he wants us to sit here all the time while he is working for his constituents throughout the week.

Mr. Karungaru: On a point of order, Mr. Speaker, what connexion does the Member for Embakasi have with this Motion? Have I interrupted the speaker now speaking, what connexion do I have with this Motion?

The Speaker (Mr. Slade): Quite obviously every hon. Member is connected with this Motion, because it is about whether or not it suits hon. Members to sit on Mondays.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): You rightly ruled him out, Mr. Speaker, because once a Motion on any subject is in this House it is the property of this House. The hon. Member for Embakasi is part of that property; he is the owner of that property.

Therefore, Mr. Speaker, without labouring too much, I would like the Members to vote and see who is really for this and who is against; we should have a Division. There is no point in appearing in a Parliamentary Group meeting tomorrow and telling His Excellency the President that we voted against it because we did not hear what was said previously.

Mr. Speaker, I urge hon. Members to consider one thing and one thing only as I said before, namely that we should be allowed to serve our constituents on this very day, which is Monday.

With these few remarks, Mr. Speaker, I would like to support the original Motion.

Mr. Munyi: On a point of order, Mr. Speaker, since it is very clear that this has been discussed at a Parliamentary Group meeting I am now proposing the closure of this debate.

The Speaker (Mr. Slade): I think we can allow that very soon, but I see Mr. Okelo-Odongo wants to speak, and so far only the Leader of the Opposition has spoken, and I think we should hear him, and then I will put the question of the closure.

Mr. Okelo-Odongo: Thank you very much, Mr. Speaker, Sir.

[Mr. Okelo-Odongo]

Mr. Speaker, Sir, sometimes people do the right thing for the wrong reason. This particular Motion is something which illustrates it. It is a good thing that we should have an extra day to see our constituencies, but I think the reason why the Government is doing this is not because of that, but because I think the Government wants this Parliament to meet as few times as possible. The Government has plenty of business and if we are going to meet according to the demands of the business, then we would have no time even to break for the rest of the year, even if we met on Mondays. I do not see how the Government is going to get through all the business. I have seen this in the Sessional Committee, and I am a Member of the Sessional Committee, Mr. Speaker, and I know how much business we have.

I think, Mr. Speaker, this should be pointed out, because as one of my hon. friends expressed the fear that there may be an idea that Bills and so on should just be passed through without much time being spent on them as we did with the Supplementary Estimates when everything was guillotined and I think the Government would like to guillotine all the Bills and pass them without having any discussions.

An hon. Member: Including gratuities.

Mr. Okelo-Odongo: Mr. Speaker, Sir, this Motion should be supported on condition that if work demands, then we must adjust ourselves. We must meet on Mondays and even on Saturdays if necessary if work demands, because that is what we are paid for here; to see that laws are properly passed. This is what we are paid for.

Our constituents already know us. They elected us, but what they want us to do is to see that the correct laws are passed and we have to inform the Government of what they think.

Mr. Speaker, Sir, this is one very important factor which should be pointed out to the Government. Mr. Speaker, Sir, we would like to have mandates to hold public meetings in our constituencies. This is the only way in which we can inform them. Members are not even allowed to hold public meetings, so how are we going to inform our constituencies of the Government programmes and so forth?

Mr. Speaker, Sir, we of course, supported this Motion in good faith because we, as the Opposition, are the Members of the people, and we always like to stay with the people. It is on this point that we support the Motion, but I must point out to the Government that they just want to pass things and not to allow us to comment.

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

Mr. Mbogoh: Mr. Speaker, may I move that the Mover be called on to reply.

The Speaker (Mr. Slade): I will put the question of the closure now.

(Question put and agreed to)

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, I do not want to add anything because the hon. Members have seen the need to delete the Monday sitting, therefore reverting to the old Tuesday, Wednesday, Thursday and Friday sittings

Mr. Speaker, Sir, I beg to move.

(Question put and negated)

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, I stand to ask for a Division on this.

DIVISION

(Question put and the House divided)

*(Question carried by 47 votes to 8 with
3 abstentions)*

AYES: Messrs. Abubakar-Madhbuti, Asiba, Ayodo, Cheboiwo, Chelugui, Chirchir, Godana, Godia, Kalya, Kanani, G. G. Kariuki, Kase, Kassa-Choon, Dr. Kiano, Messrs. Kibaki, Kimunai arap Soi, Kiprotich, Kubai, Kurungu, Lawi, ole Lemein, Lorimo, Malinda, Mathenge, Mati, Mbaya, Mbai, Mbogoh, Mengo, Mohamed, arap Moi, Mulama, Munoko, Munyi, Murgor, Mwanjumba, Mwithaga, Ngala, Ngei, Njeru, J. M. Njonjo, Nyagah, Nyamweya, Odero-Jowi, Osogo, Pandya, Shikuku.

Tellers of the Ayes: Messrs. Balala and Khaoya.

NOES: Messrs. Gikunju, Khaoya, Mwalwa, Nyaberi, Onsando, J. K. arap Soi, Theuri and Tuwei.

Tellers of the Noes: Messrs. Malinda and arap Soi.

Abstentions: Messrs. Makone, Wario and Kebaso.

BILLS

First Reading

THE SUPPLEMENTARY APPROPRIATION (NO. 2) BILL
*(Order for First Reading read—Read the First
Time—Ordered to be read the Second Time
today by leave of the House)*

Second Reading

THE SUPPLEMENTARY APPROPRIATION (NO. 2) BILL

The Assistant Minister for Finance (Mr. Balala): Mr. Speaker, Sir, I beg to move that the Supplementary Appropriation (No. 2) Bill of 1969 be now read a Second Time.

[The Assistant Minister for Finance]

Mr. Speaker, Sir, this is only a formal Bill which gives statutory approval to the financial provisions made in the Statements of Excesses of 1965/66, Supplementary Estimate of Expenditure No. 2 of 1968/69 (Recurrent Expenditure) and No. 1 Development which have been approved by the House.

Mr. Speaker, Sir, I feel that since this is a formal Bill, there is nothing more to say on it and, therefore, I beg to move.

The Minister for Commerce and Industry (Mr. Kibaki) 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 by leave of the House)

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

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

THE SUPPLEMENTARY APPROPRIATION (NO. 2) BILL

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

(First Schedule agreed to)

(Second Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

THE AFRICAN ASSURANCE AND PROVIDENT CORPORATION LIMITED BILL

(Clauses 2, 3, 4, 5 and 6 agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Assistant Minister for Finance (Mr. Balala): Mr. Chairman, Sir, I beg to move that the committee doth report to the House its consideration of the Supplementary Appropriation (No. 2) Bill, and the African Assurance and Provident Corporation Limited Bill and its approval thereof without amendment.

(Question proposed, put and agreed to)

(The House resumed)

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

REPORTS AND THIRD READINGS

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 of the same without amendment.

The Assistant Minister for Finance (Mr. Balala): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Minister for Commerce and Industry (Mr. Kibaki) seconded.

(Question proposed)

(Question put and agreed to)

The Assistant Minister for Finance (Mr. Balala): Mr. Speaker, Sir, I beg to move that the Supplementary Appropriation (No. 2) Bill be now read a Third Time.

The Minister for Commerce and Industry (Mr. Kibaki) seconded.

(Question proposed)

Mr. Shikuku: Mr. Speaker, Sir, I would like to point out in the Third Reading of this Bill that in future we should not have the same mistakes as we have had in this Bill. I look forward to another Supplementary Bill, but it must be borne in mind by the Government that they must improve year after year. We cannot go on with this mistake of over-expenditures and so on, so that we only come here and have them agreed to with some warnings here and there.

It appears that there is lack of decision; some people are so permanent that they cannot be removed from where they are. However, how permanent they are, as far as public funds are concerned, is the thing I do not know. If one is permanent, he must be efficient to be permanent. If he is inefficient, but insists that he must be permanent, it is wrong. Therefore, I think that the Ministry of Finance—not solely the Ministry as such, but also the other Ministries concerned with this over-expenditure—seems to feel that if the present people were removed from where they are, Kenya will flop. May I let them know that Kenya belongs to no single person. It belongs to all the people and, therefore, let no Minister, Member of Parliament, Permanent Secretary or Under-Secretary think that he is indispensable. We have children in this country who are entitled to the same positions as anybody else, who can do these jobs, but if we continue to have this sort of leniency where people make errors and yet remain there because they are there, then it is wrong. We advocate Africanization, Mr. Speaker, but Africanization does not mean that continuous inefficiency should be perpetuated, without improvement.

I am making these remarks, Mr. Speaker, warning the Minister for Finance and, indeed, all Ministries, that have incurred excess expenditure to be more careful so that there may be only a small amount as over-expenditure next time.

[Mr. Shikuku]

We would like to have, in each Ministry, not more than £10 over-expenditure but not to run into thousands of pounds.

The Supplementary Estimate, Mr. Speaker, as you see here, is £180,164.10.05. This is what the error has cost us. The error has cost us that much. This over-expenditure, Mr. Speaker, which has come as a result of inefficiency, if you multiply it by 20, you will see that it is over £3 million.

I understand from the hon. Member that it is £3 million and over. This is money which has been lost through the errors of the civil servants. This money, Mr. Speaker, would have helped this country, but because of errors this money has been lost. Now, we hope that the next time the figure will only be £10, that mistakes will result in loss of only this small amount. Then we will know there has been improvement. However, I will be shocked if I find again that the loss runs into thousands of pounds. This is not the way in which we should run the Government.

With these few remarks, Mr. Speaker, I hope the Government will be more careful in future and will wake up from the drowsiness in which they are now. Probably this pride has been too long for them. They have become so permanent that they are not conscious of the feelings of the people. For seven years they have been in those posts; there has not been any change and, therefore, I think they are very tired.

Mr. Speaker, I hear the Minister telling me that I should not be too impatient. Sir, my patience cannot be challenged because I have tolerated these things for all this time, during these six years. Every year there have been these mistakes. Is that not patience? What patience does the Minister want? Does he want a patience of a saint? I am not a saint, Mr. Speaker, and, therefore, he should not demand any more patience from me. I am a very ordinary man, a human being. Therefore, those six years I have been patient and I hope there will be no further mistakes that will call on my patience because I will have no more patience.

With these few remarks, Mr. Speaker, I beg to warn the Government and support.

Mr. Kebaso: Mr. Speaker, if you remember well, last year or early this year I questioned why Government did allow people working on the super-scale to have money in lieu of their leave. In my question I said that leave was a privilege and that it was not right for anybody to demand this. I am part of the Government machinery. If we are going to allow some people, a few of people, to use this money as they please, then we do not know where we stand.

Mr. Speaker, on page 4 of the Statement of Excesses 1965/66 there is a paragraph which states:—

“The Public Accounts Committee accepted the Accounting Officer’s explanation of the excess was caused by miscalculation of provision within the Ministry but warned that the Accounting Officer should exercise greater care in the future.”

This is vague. How did the miscalculation come about? During the time of the former Government if anybody lost money in this way he had to go to jail. Nowadays you hear that in the Ministry of Lands and Settlement some money is being lost. You hear that in the Ministry of Agriculture so much money has been lost. Yet you hear that the Ministers concerned have been lenient. When this money is being misused in this way, we should take into consideration the poor children, the Certificate of Primary Education school-leavers. When I drive from here to Kisii, every week I find the road along Nakuru full of school-leavers, people who want money, people who want something to eat. In my own constituency children take cattle from their own parents to sell because they have nothing to do, nothing to eat.

Mr. Speaker, if we are being asked every time to bless the losses by Government, that is wrong. To bring us Bills like this one and to say, “You give this your blessings. It was a mistake on the part of an accounting officer.”, then we expect that the Attorney-General will get hold of this accounting officer, in most cases the Permanent Secretary to a Ministry, and take him to court. However, to our surprise we find they are lenient.

The Administration Police or the Tribal Police are beating people every time at home. Last night, at about 6.30 p.m. at Solik Tea Company there were people being beaten by the Administration Police because they wanted the people to pay tax, to show receipts for the tax they—

The Speaker (Mr. Slade): You are getting rather outside this Bill now, Mr. Kebaso. You can complain of the House being asked to approve such large over-expenditure or, in some cases, excesses, unauthorized excesses, but we cannot get on to all the other ways in which this money might have been better used. That is getting far too far outside this Bill.

Mr. Kebaso: Mr. Speaker, I obey your ruling however, this Statement of Excesses is always here—excess means money, and yet you do not want me to comment on money being lost. When we have had this money being spent in a year, that means that that expenditure is based on the Estimates which we passed; but this is above the

[Mr. Kebaso]

Estimates that we authorized. When we had the Estimates for 1965-66, we approved so much money to be spent during that time, and this excess means that more money was used than the amount we approved in this House. So, when I show my regret on what has been going on, I want to show, at the same time, that this money comes from the hard-working farmers, the poor people in the reserves who are being molested and asked to pay the graduated personal tax. They must be told that the money they pay is being used properly. There is nothing wrong with that, Mr. Speaker. We encourage people to pay money, the money comes into the pocket of the Government and that is the time when we want the money to be used properly. There is nothing wrong with that.

Mr. Speaker, we do not know whether the hon. Minister for Finance is negligent. Either we must have somebody else appointed Minister for Finance or else— We do not expect the Minister for Finance to come to the House only once a year, at the time when he is making the Budget Speech, and not any more. We do not see him here except on that one occasion. We only see him once in 12 months.

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

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

Government wants me to tell the voters that they should pay graduated personal tax, income tax and so on. What about us Members of Parliament? We are asked to pay graduated personal tax, then Pay-As-You-Earn, something else—we pay a lot of money and there is almost nothing that is sent to our bankers. And then when we come here we are told that so much money has been lost, but you approve this because this was an unfortunate mistake, the accounting officer did not take care. How long is such a thing going to go on? Now this is No. 2 excess and we may get No. 3 and so on. All the time we are told there is excess, excess.

Mr. Deputy Speaker, while I do not agree that we should give our blessing to this excess—this has been passed now because we are presently at the Third Reading—I would like to say that since this money is paid by poor people, it should be spent carefully. We hope Government will stop, from now on, this over-expenditure, otherwise we will have to tell the people not to pay their graduated personal tax.

We must not give money to those who are on the super-scale. What if he dies tonight? Are we going to take him from the grave and make him

—the Permanent Secretary—answer as accounting officer? Sir, you always hear them say that he cannot go on leave because there is nobody to replace him. What about when he dies? This is a very bad statement, to say there is nobody to replace one person. What about the Under-Secretaries? We want that while some person is on leave, the person next to him will replace him and learn his work, and the same thing should apply to the person who comes next in line. All these people who come one under others should understand the persons above them so that at some time or other they can act in the latter's place when necessary. This is how a Government should be run, how a country should be run. But we should not have such things as this, when people are short of money in the bank they say, "We want money in lieu of leave." I do not think we should have bank overdrafts—

Mr. Mwithaga: Mr. Deputy Speaker, while I hate to interrupt my good friend, do you not agree with me that he is repeating what he has said and even going outside the scope of the Bill?

The Deputy Speaker (Dr. De Souza): Well, I do not know whether he is repeating what he said on the Second Reading because I do not know what he said on the Second Reading. However, he is tending, slightly, to wander away from the scope of the Bill.

Mr. Kebaso, I know you are trying to make suggestions about the improvement of the mechanism of the Civil Service, but do not go too far away though. You had better come to the subject of excess expenditure on this particular Bill.

Mr. Kebaso: Sir, when you allow shepherds to go on slaughtering goats, it is just like allowing these people to collect money and then spend it as they want. If you do not correct him, that man will not care.

I want to tell the accounting officers that this money is not theirs, it is public money. We collect this money even from the poor women who have very little or no money for themselves. So it is bad to use this money in the wrong way. We do not want to come here and have the Government tell us that so much money was lost and that we should write it off. That is a wrong statement. We do not want this.

I do not want to continue with this very unhappy report of talking and asking for excess expenditure. But since I am a Member of the Government, and any party Member can criticize party policy but at the time of voting he must leave his party policy, I will have to approve now.

With these few remarks, I support this excess.

The Minister for Natural Resources (Mr. Nyagah): (Mr. Deputy Speaker, Sir, I rise also to give views on the other side.

Excesses are not necessarily extravagancies. It has been said here that money has been misappropriated, money has been spent unwisely. However, what happens— For instance, one of the items that Members were asked to approve was over-expenditure in the Prisons. When there is a wave of crime and people have to be pushed in, extra numbers are involved that were not anticipated when the Bill was brought before this House. Are these people going to be left out? Are they not going to be maintained?

An hon. Member: Poor planning.

The Minister for Natural Resources (Mr. Nyagah): We do not plan for crime, Mr. Deputy Speaker.

These are some of the things that are unexpected and they must be met from Supplementary Estimates and so on, such as we have here. All that excess, in that case, would mean, Sir, is that of the Vote that was originally brought to this House and approved, because of necessity the Ministry or the head of the department, has had to go over and above what was expected because of the unexpected occurrences. Let it not be taken that all the time the Ministries are extravagant or careless, or that all the accounting officers spend the money as if it was their money and not public money. They are extremely careful Sir, but there are circumstances when you cannot help spending money.

What happens when, as we have today, people talking about teachers? An increase comes in the middle of a financial year. Where does the Minister responsible get the money from? He has to come to this House and ask for extra money, for a supplementary amount of money. So this is the reason for the word "Excess" in this Bill. This must not be taken today as a reflection, on the part of the Government, of careless spending.

The Second Schedule that we approved at the Second Reading, Mr. Deputy Speaker, is also a clear reflection of the Government's efficiency in implementing the Development Plan in this country. Sometimes you have an order placed with a country for certain articles or objects required for a development project and these things do not arrive on time during that financial year. The Minister or the Government has to come to this House and say, "Such-and-such a sum approved during last year's financial estimates was not spent and we want to use it during this financial year. This money belongs to the previous year's Estimates, as already approved. Therefore, when the House is informed of this kind of thing, Members

should not think that the Government is trying to spend any more money or is being careless in spending the money.

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

Mr. Odinga: Mr. Deputy Speaker, Sir, I would like only to correct what the Minister is trying to defend. What he is trying to defend is exactly what is happening. It is carelessness, sheer carelessness, on the part of accounting officers not to control their votes for which they are responsible. If they were controlling their votes, certainly they would know if they were overspending. I want him to listen to me carefully, because I have been dealing, in the Public Accounts Committee, with these accounting officers who overspent money, thus touching on money which is unauthorized in their votes. They go on spending, and when the auditors come they then find they have overspent their votes. They have used extra money from somewhere, which is not known, which is unauthorized, and this is what is worrying the Members here. The Members would like each Ministry and each accounting officer to be careful in controlling his Ministry's vote; before they overspend they must be able to make supplementary estimates in time. Normally, we do not quarrel with supplementary estimates. If they bring in supplementary estimates, they are approved in this House. There is no quarrel with them. The quarrel is about money which is used without authority, and we are now being asked to regularize matters. Now you can see that we are legalizing them after several years. When it is found that the Members are quarrelling with something like this, the Ministers must accept it and be very careful in dealing with their accounting officers and see that they are careful in future.

Mr. Deputy Speaker, Sir, at our last Public Accounts Committee meeting we gave a very serious warning to all accounting officers, and I would like it to be known in this House. We told them that if in future there was such carelessness in the expenditure of Government money or public money, which is not authorized by this House, we would recommend to this House the surcharge or refund of some of the money which is spent, and whoever is responsible should be made to refund this money to the public. If he goes on using money which has not been authorized, instead of asking the House to legalize the money, in future we should recommend to this House not to approve such expenditure, but to ask the respective officers who are responsible for it to be responsible also for the refund of such money. We also gave a serious warning that they must be careful in controlling their votes. There is always adequate time for passing the Supplementary Estimate No. 1 and No. 2. The

[Mr. Odinga]

accounting officers have enough time to do this, to come to this House, and then they will have enough money to pay. Even if there was an emergency in this country, they could still include the request for additional money in their supplementary estimate and bring the request to this House in time for approval.

However, if there were a special case, I am sure the House would consider it; but in many cases with which we have been confronted, we think the excess expenditure had been merely on the grounds that the accounting officers are careless in the control of the various votes.

As such, Mr. Deputy Speaker, I have no more to add on this, but I want the House to understand what may confront them as far as recommendations of the Public Accounts Committee are concerned.

Mr. Khaoya: Mr. Deputy Speaker, Sir, I stand to support the Bill, but at the same time I would like to disagree with some of the remarks made by the Minister, the hon. Nyagah, because I believe that if we left them to go unchallenged it would amount to condoning inefficiency in the Civil Service in Kenya.

Mr. Deputy Speaker, I have a lot of experience with the accounting systems both of the Government and also of local government, where I have been a member and responsible for making estimates for the last nine years. I can claim to have working knowledge. A state of excess expenditure usually arises as a result of the people preparing the budget or estimates having lack of foresight, as it is called, in that they do not see what they are going to do in the coming 12 months. They make their estimates, only to find that in the first four months something comes up which they were not prepared for, and therefore that calls for additional expenditure.

In this case, I think we have to advise the Government, and they in turn should advise the Civil Service, and this is particularly important for the various Ministries which normally formulate their budget requirements and then channel them to the Treasury. Each Ministry has to work out and know exactly what their requirements are going to be, not only for the coming 12 months but for the coming two years, so that we are not faced with a situation such as we have now where a Ministry brings in a requirement for so many thousand pounds. What I am asking is that the Government should work on the question of foresight, and also careful preparation in formulating our annual Budget.

Mr. Deputy Speaker, the second point I would like to emphasize here is something on which to some extent I agree with the Leader of the Oppo-

sition, although normally I do not agree with him. However, on this one I think we do agree. We all come from Western Kenya, anyway. When a request is made for a supplementary estimate or budget, it should not be spent before permission is asked. First, a person should be able to see that a situation has arisen, and therefore he requires so much money. He should bring the supplementary estimate so that we can approve it before he goes ahead and does what he intends to do. As I have seen in some cases, something comes up, the money is spent and then the request comes here in a general form. This is a state of excess and so much money is required to cover the expenses up to, say, the end of June. Obviously, everything which we expected to do was debated here last June, and then a certain sum of money was voted. If the Government did not think of particular items, it is up to them to do something, because we pay them to be efficient. We do not pay them to overlook things.

Mr. Deputy Speaker, on such an occasion, normally we do not speak for very long, but I thought these two points were very vital. We have to point them out to the Government so that in turn, they go and advise their officers. I do not mind if they are a bit red-eyed in the Civil Service. After all, that is the way you get somebody to do something in independent Kenya.

Mr. Mwithaga: Mr. Deputy Speaker, the Minister has been trying to defend an issue which it is impossible to defend, and in fact it was not wise to try and defend a warning, because normally it is a warning which is sounded in the Third Reading. There is no argument, in fact, he has invited argument and two Members have answered him. This is unfortunate. I refer to the Minister for Natural Resources, the hon. Nyagah. He invited an argument, and this is unfortunate. The thing is this—

The Minister for Natural Resources (Mr. Nyagah): On a point of order, Mr. Deputy Speaker, is it in order for the hon. Member for Nakuru to impute a motive which I did not have? I never defended anything, but I said that I was going to put another point of view, and I stated two cases where it is possible to incur excesses unexpectedly.

The Deputy Speaker (Dr. De Souza): It is a debatable question as to what one means by defending a thing. You were trying to explain certain eventualities where an excess expenditure might be necessary, but I think Mr. Mwithaga considered unfortunate this defence of expenditures which have already taken place. I do not think he is out of order, but you have made your point.

Mr. Mwithaga: Thank you, Mr. Deputy Speaker. Fortunately, you are a lawyer, and the hon. Minister in not a lawyer. The view he was stating was actually a defence, because he said there was no carelessness, and denying it is defending it.

Mr. Deputy Speaker, Sir, what I was trying to say was that the Government now must consider reducing the number of offices with A.I.E. Authority to Incur Expenditure. It is among this number that we find the excesses. There are so many, and they use that authority all over the country, and much money is spent. It is impossible to keep writing to them and telling them that their authority should only be used to a certain extent when it is needed in a given district. What they should do is try and centralize the places where such authority to incur expenditure is allowed to operate, and in that way there would only be a few centres of authority, rather than there being numerous centres.

Another point is that this issue is always a two-way traffic. On one hand, while we are warning the Government about such excess expenditure, we admit that our Government has been honest, because if it were not honest it would not have published this excess expenditure. It would have been hidden, something would have happened somewhere, it would have been written-off somewhere at a closed session and the people would not have learned anything about it. This honesty on the part of the Government is most welcome, and it is encouraging. Let the people know where you are wrong, let the people know where you are right. Therefore, I feel the Government should not be afraid to keep the public informed when they have overspent our money, so that when we ask for more graduated personal tax, or other money, they know what they are spending. Sometimes, we have to bear the blame, sometimes we have to swallow the pill, bitter as it is, and that is why we are the Government. That is why I feel that when we are to blame, we must also consider the aspect of honesty and dishonesty, because this is where many governments fail.

Therefore, Mr. Deputy Speaker, while warning the Government against a lot of centres of A.I.E., I should also—

The Attorney-General (Mr. Njonjo): What is A.I.E.?

Mr. Mwithaga: It is interesting the Attorney-General asking me that question, and yet he advised the Government legally to use A.I.E. A.I.E. for his information, Mr. Deputy Speaker, is Authority to Incur Expenditure. I was once a civil servant.

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

Mr. Jahazi: Mr. Deputy Speaker, Sir, I think we all know that over-expenditure on something genuine is not a crime and that it is not uncommon, but I would have thought that after five years of independence, it was high time we started to learn what to expect. This has been happening twice or thrice a year, and I still do not see why, with the monetary experts we have in the Ministry of Finance, they cannot oversee this so that they put an element of this nature in our Budget. Unless something happens very suddenly to warrant these small internal budgets, it makes nonsense of our June Budget. We regard the June Budget as the real thing, and after the Budget in June, Ministries work hard day and night to try to anticipate what next year's expenditure will be. Now we are having these middle budgets where petrol might go up and supplementary approval are brought before us every so often, and these reduce the importance of the main Budget. Unfortunately, this is the last session. We will not test the Ministries again for some time, perhaps. No one can guarantee that we will have the same Ministers. However, we hope that this has left a small mark on his record that he is the only Minister who has brought in record Supplementary Estimates in this House, and we would like the officers to take care to see that at least we have only one supplementary budget in a year, rather than this off and on.

Mr. Deputy Speaker, Sir, when some Members criticize certain items here, I think that they should be given time because when we are criticizing different heads, it is not with the intention of criticizing only. Some of these figures we quote in here, which are the amounts we say are too little, but the Minister always opposes the Members, saying that the estimate is correct. Sometimes it is too small. If they were to allow Members to go through the whole item and then take Members' advice, I think it would help save the unnecessary time we spend here in reapproving things we have already approved.

Mr. Deputy Speaker, Sir, I would like us to discuss as many Ministries as possible after the Budget Speech so that we may be able to go through many Ministries and point out the shortcomings. I am sure that most of this is found in these Ministries that are never discussed during the Budget Speech. During the Budget Speech, we discuss a few Ministries and the rest go under the hammer of the Guillotine and I hope that this year, Mr. Deputy Speaker, we shall be allowed to discuss many Ministries, scrutinize them and give advice, because the country may be found without a Parliament to approve Supplementary Estimates between December and March next year when the whole country will be having a General Election.

[Mr. Jahazi]

Therefore, a Minister may require something to spend during this time but there will be no Parliament to approve that. This is perhaps thinking a loud, but I hope those will be the days when this will prove to be right.

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

The Deputy Speaker (Dr. De Souza): Well, we will get one more chance, Mr. Okelo-Odongo; then after that we can put the closure, I think.

Mr. Okelo-Odongo: Mr. Deputy Speaker, Sir, I do not think I have much to say on this since our Members have said most of the things I would like to have said.

There is only one very important thing here, on this question of Supplementary Estimates, and especially with the Ministry of Agriculture. There is so much more money being required—£343,000—that, Mr. Deputy Speaker, Sir, I think the Ministry has no excuse at all because the Ministry should be quite aware of what it will need during the course of the year and there is no reason why it should be so off the point, by so many thousands of pounds, and especially when the expenditure involves things like personal emoluments and salaries. They should have the normal staff that they have with things like vaccines and so forth. I think this might amount to too much free-spending because so much extra money is being required. This matter was not discussed under the Supplementary Estimates because there was no time for that, but he should watch next year if the requirement for the Ministry of Agriculture will be as much as it is today. It seems that there is something definitely wrong there. We have all these items like marketing for livestock. Now, what we do not know is about the money that is being taken for marketing livestock; one expected that this should have come directly from the people who sell the cattle, or sell the stock. Now, if it is due to some other unforeseen reasons, is this money going to be refunded to the consolidated fund, and if so, when?

Mr. Deputy Speaker, Sir, I think the Ministry of Agriculture is extravagant and is spending too much money on too many things, the value of which is questionable.

The Deputy Speaker (Dr. De Souza): If no other hon. Member wishes to speak, I will call upon the Mover to reply.

The Assistant Minister for Finance (Mr. Balala): Mr. Deputy Speaker, Sir, I think that most of the points raised by hon. Members are almost the same as those that were raised when this particular matter was discussed when it was the subject of a Motion before this House.

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

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

Mr. Speaker, Sir, I do agree with the hon. Members' remarks and, particularly, those forwarded by the Leader of the Opposition, in his capacity as Chairman of the Public Accounts Committee when he said that accounting officers in the different Ministries should exercise control over expenditure of their respective votes. I would like to make it clear here that we, in the Treasury, share the same views and we appreciate the scrutiny and recommendations made by the Public Accounts Committee. I can safely say that we have taken such recommendations very seriously and we have acted accordingly.

Mr. Speaker, Sir, I would like to remove some of the confusions perhaps prevailing in the minds of certain hon. Members in as far as expenditure of excesses are concerned. Some hon. Members think, perhaps, that the excesses that we have been asking the House to legalize were misappropriations or money lost, but I would like to make it clear here that the excesses of expenditure that we have been demanding legalization of in this House, are moneys spent by accounting officers of the different Ministries on matters that were perhaps not anticipated when they were presenting their Supplementary Estimates. I do agree that authority should have been sought before such expenditure and, in agreeing with the recommendations of the Public Accounts Committee, we in the Treasury have gone to the extent of telling the accounting officers that, in future, if any money is spent without authority, then they will have to meet the money incurred. Therefore, I would like to assure the hon. Members that the recommendations of the Public Accounts Committee were implemented and, as such, Members are assured that in future such things will not crop up.

Mr. Speaker, Sir, I would like to assure the hon. Members that their views are noted. And with these few remarks, I beg to move.

(Question put and agreed to)

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

THE AFRICAN ASSURANCE AND PROVIDENT CORPORATION LIMITED BILL

Dr. De Souza: Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered the African Assurance and Provident Corporation Limited Bill and approved the same without amendment.

The Assistant Minister for Finance (Mr. Balala): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Minister for Information and Broadcasting (Mr. Osogo) seconded.

(Question proposed)

(Question put and agreed to)

The Assistant Minister for Finance (Mr. Balala): Mr. Speaker, Sir, I beg to move that the African Assurance and Provident Corporation Limited Bill be now read the Third Time.

The Minister for Information and Broadcasting (Mr. Osogo) seconded.

(Question proposed)

Mr. Mwithaga: Mr. Speaker, Sir, I have very few words on this. We debated the whole Bill and we understand it, but the Government must now start getting conscious of what may tend to be a habit, that is running to the rescue of some of these firms in the future. One thing is that we might have too many of these types of companies because we have Kenatco and we have this assurance company, and we do not know how many others we may have in future. The thing the Government should do now is find out immediately when a company is registered, what its capital shareholding is, and other economic viability—

The Attorney-General (Mr. C. Njonjo): Mr. Speaker, on a point of order, are these matters which the hon. Member should mention at the Third Reading of the Bill?

The Speaker (Mr. Slade): We certainly do not want very much debate on a Third Reading, but it is open to hon. Members to discuss again, briefly, the principle of the Bill, as long as they do not repeat what has been said during the debate on the Second Reading.

Mr. Mwithaga: Mr. Speaker, Sir, the Attorney-General was knocking about when I was speaking last time and I will not repeat a word I said last time. This is a mere warning, and I have said it is a warning. The Government must be warned, and even the Attorney-General must be warned.

Mr. Speaker, Sir, what I am trying to warn against is this issue becoming a habit; the resort to Government for rescue. We have two companies now and we do not know how many there are ahead. The statesmen will be involved and we will be asked to vote this money. Therefore, the Government must start having a strong control on somebody being established in the registers so that we know their financial and other positions before they can become a headache to the nation. We have got to be aware of such things, and that is why we are the Government.

The Attorney-General (Mr. C. Njonjo): Mr. Speaker, the hon. Member has said the same thing all over again, like a gramophone, and he is not saying anything new.

The Speaker (Mr. Slade): I am afraid I do not remember what the hon. Member said during the Second Reading, but you must not repeat what you said then, Mr. Mwithaga.

Mr. Mwithaga: I know what the Attorney-General wants: he just wants this Bill passed like that; and so, if that is what he wants, I can sit down and he can have it.

Mr. Speaker, Sir, I said that I was warning, and in fact I have warned—and for the Attorney-General's information—

The Speaker (Mr. Slade): Order! Did you give this warning during the Second Reading?

The Attorney-General (Mr. C. Njonjo): Yes.

Mr. Mwithaga: Mr. Speaker, Sir, is it really correct for the Attorney-General to continue provoking me so that I cannot follow what I am trying to say? He should be controlled too.

The Speaker (Mr. Slade): No, I asked you a question, Mr. Mwithaga: did you give this warning on the Second Reading, because if so you must not repeat it?

Mr. Mwithaga: Mr. Speaker, Sir, I did not give any warning on the Second Reading; we debated the substance of the Bill without a warning. During the Third Reading all I am doing is warning.

The Speaker (Mr. Slade): Very well.

Mr. Mwithaga: Mr. Speaker, Sir, I hope that warning will be taken seriously by the Attorney-General. In effect he will have these companies treating Government as a rescue boat and he will be responsible. That is why he should consider this very seriously, as his officers are the ones who are responsible in this matter.

Therefore, Mr. Speaker, in the hope that the Attorney-General is going to over-work himself in scrutinizing the financial feasibilities of these companies before they become a headache, I beg to support.

The Speaker (Mr. Slade): If there is no other hon. Member wishing to speak, I will call on the Mover.

The Assistant Minister for Finance (Mr. Balala): Mr. Speaker, Sir, the views voiced by the hon. Member are noted and, therefore, I beg to move.

(Question put and agreed to)

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

BILL

Second Reading

THE STATUTE LAW (MISCELLANEOUS
AMENDMENTS) BILL*(The Attorney-General on 5th June 1969)**(Resumption of debate interrupted on
5th June 1969)*

The Speaker (Mr. Slade): Before resuming the debate on this Bill I would point out to hon. Members that the Attorney-General has now provided them with copies of all the sections of the existing laws which are affected by his proposed amendments, including the amendment which he wants to move to the Bill when we are in the Committee stage. Hon. Members will find them in their pigeon holes if they have not found them already.

Mr. Shikuku: Mr. Speaker, Sir, a copy of the main amendment to which the Attorney-General wanted us to pay attention only came to us this afternoon. As a matter of fact I got my copy in this Chamber, and therefore my homework was not done at all. That is in connexion with the amendment that he intends to move, and I think if I am right this is one of the main amendments.

Mr. Speaker, I have to listen to the Chair because it is the Chair which we address.

Mr. Mwithaga: Mr. Speaker, on a point of order, now that you have brought it to our notice that the Attorney-General has just given us the main amendment, and before the reading of the Bill you also gave us notice that he would be doing that later, I would like to ask you that as some of us who spoke on that Bill without the material necessary for the discussion of the Bill, and I remember you calling me to order most of the time because I was going out most of the time because I did not have this material, would it be at your discretion to allow those people who spoke first of all to be given another chance to speak at this time?

The Speaker (Mr. Slade): No, I think I am right in saying that the only further copies of the existing law which were required from the Attorney-General were those relevant to the amendment of the Bill which he intends to move during the Committee stage. Therefore, it is only necessary to have that existing law before you when we come to the Committee stage, when you will have full opportunity to discuss this particular, very important amendment, introducing the death penalty for certain offences. As we stand, we should really be debating the Bill as it stands, and not that proposed amendment.

Mr. Shikuku: Thank you, Mr. Speaker. That communication from the Chair has made matters

rather better for me because I was a little worried because I had not done my homework on the amendment, but I have done my homework on this Bill.

Mr. Speaker, may I draw your attention to the speech by the Attorney-General when he was moving this Miscellaneous Amendment Bill: he did touch on the question of the Registration of Businesses Act, and he did tell us that the present law is being amended because it is now required that the Registrar of Societies get evidence before registering anything. This I think is a very good move on the whole because we have had problems in the past, and even at the moment, where we have had several organizations registered somehow and some resolutions have been passed by a few individuals in a certain cottage, in a certain corner of Kenya, and they have altered various things.

Mr. Speaker, this is also taking me back to one of my *maendeleo* projects for my women in Butere who gathered themselves together and got themselves registered as *maendeleo* women, and they have been working very hard clearing bushes and weeding and building houses, putting mud on huts and so forth, and they raised something like Sh. 600. However, later some clever person went around and took the book from one of the treasurers and called a small meeting; that person has now taken the money from the poor women and they are still complaining. I have sent a letter to the Attorney-General's Chambers saying that we have had elections and that So-and-so and So-and-so are, in fact, office bearers.

Mr. Speaker, I agree that evidence must be produced because this has been going on, and that is why it is killing the spirit of *maendeleo* itself. Those women no longer meet. When I reported this matter, about which the women complained, to the police, the police just dilly-dallied and as of today they have done nothing about it. This is wrong and I think that in future evidence must be required in order to prove that this or that did really take place.

At the same time, Mr. Speaker, I did not hear the Attorney-General say anything about the registration of societies. Let us take, for instance, the present confusion in Kanu where you have different group meetings and then you submit the names to the Registrar and he acknowledges the receipt of the names of those people, and then there is one group against another. This is causing a lot of chaos in this country. I think more evidence, also in this case, must be received from those who are applying and they must satisfy that the evidence they produce is the true evidence. This has caused a lot of problems, and those problems are not going to end until the Registrar's office wakes up and sees something is done. I

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realize, Mr. Speaker, it cannot be done until this Bill goes through and that is why I think this must be looked into very seriously. For example, you will find, in Butere itself, that some people were issued with licences to go and hold meetings with a few friends of theirs. This brings me to the problem of the district commissioners who are responsible for this confusion of this political chaos in this country, because they only give licences to their friends.

The Speaker (Mr. Slade): Mr. Shikuku, I think you are under some misapprehension which another hon. Member suffered from earlier in the same debate. This Bill does not actually touch the Registration of Societies Act; it only touches the Registration of Business Names Act. The confusion arises from the fact that in introducing the Bill, the Attorney-General did refer, casually, to the Societies Act, and the hon. Members got the impression that the Bill actually deals with that Act, but it does not. I am afraid we have got to keep to the amendments proposed by the Bill.

Mr. Shikuku: Thank you, Mr. Speaker. Unfortunately, because of what was said by the Attorney-General, we rather wanted to touch on this Registration of Societies Act. I hope that in the near future he will bring an amendment to that one so that we will require evidence and we will dispense with this chaotic situation which now prevails. I support that idea, that evidence must be given.

Mr. Speaker, I come to the second point, which is about the Land Adjudication Act, on which the Attorney-General touched. He said that the payment of fees was not necessary unless a particular person wants to pay that fee for application for the purposes of having it for commercial reasons. I welcome this because the poor man in the countryside does not have the money to pay for this; some of them are very poor and they cannot afford it. I welcome this most wholeheartedly because it gives the ordinary man a chance to register his land in his name so that no one in the future will take it away from him. However, the question is this: how far is the Attorney-General going to have this propagated? I come from an adjudication area myself and the poor people do not know what is going on. Some of them have their land taken from them by some people who have a lot of money, and so forth. How is the Attorney-General going to stop this? I recommend that the Attorney-General should get in touch with the Administration and, as Shikuku, the Member for Butere, I will do the best on my part. It should be put over the radio, and also propagated everywhere, that the adminis-

tration fees are not going to be there as far as this land adjudication business is concerned. This will help a great deal.

I would like to pass on, Sir, because I do not wish to dwell very much on some of these amendments. However there are some which are very nasty indeed, Sir, and I will come to them later. I am coming to this question of the age of girls, as to when they can get married and so forth; the age being pushed up from 14 to 16 years of age—I hope I got the Attorney-General right there—reduced from 16 to 14, is it? If that is the case, Mr. Speaker, I do not agree with it.

The Speaker (Mr. Slade): Find the actual amendment to which you are referring, or perhaps the Attorney-General can help you.

The Attorney-General (Mr. C. Njonjo): No.

The Speaker (Mr. Slade): He says he will not help you.

Mr. Shikuku: I had my own Bill; the Bill I have here I borrowed from the Minister for Information. The Bill on which I did my homework was pinched by somebody and that is why I had to borrow the one of hon. Osogo. The Attorney-General does not seem to be very co-operative, but nevertheless, I think I am getting it right. I think it is the other way round, that is from 16 to 14— If this is so, I object seriously, because a girl at 14 is not grown up enough and I would not like the idea of reducing the age. As a matter of fact—

The Speaker (Mr. Slade): He is referring to the Criminal Procedure Code, proposed amendment to section 186. That is what you are referring to.

Mr. Shikuku: The Criminal Procedure Code, Sir, says replace “16” with “14”.

The Speaker (Mr. Slade): It is only the marginal note which is being altered and not the substance of the Act. It is not a very serious alteration.

Mr. Shikuku: Mr. Speaker, I am really put off balance because of somebody stealing my Bill. Mr. Speaker, I know it is the marginal note but it says replace “16” with “14” on page 23. Does the amendment not mean that the age is now coming down from 16 to 14 years of age?

The Speaker (Mr. Slade): No. If you are only amending a marginal note, it probably means that it ought to have been amended a long time ago because it is not consistent with the substance of the Act. You see, marginal notes are not actually part of the law, they are only just sign posts to people studying the law.

Mr. Shikuku: I see, Sir.

[Mr. Shikuku]

If it is just a question of a marginal note replacing "16" with "14"—I hope God will punish the person who stole my Bill.

Now, Sir, as far as the ages of girls in this country is concerned, I am of the opinion that the law should be amended according to the customs here, and not seriously taking into account the Western style of thinking. According to our customary laws and traditions, you find that in the olden days our girls could not get married unless they were over 23 years of age, or even 27 years; even men only married when they were over the age of 30 years. We had very reasonable men then, men of courage, men of principles, who knew what they were doing and they were not the vague sort of men which we have these days. The men these days are marrying very young and they produce children who are not useful to our society.

When a girl reaches a certain age, she may be attracted by men or men may be attracted to her, but we must limit when it will become offensive and when it will not become offensive. Personally, I think we should go according to our traditions, and we can even put the age up to 18, 20 or 22 years of age. By then, the girl can think for herself and she will be considered fit to face any matters that may confront her. I do not believe in this Western type of thing because we have a lot of things going wrong and the result, Mr. Speaker, is that the men and women we have these days are very weak, and even, Sir—For example, women cannot deliver unless they go to a maternity hospital.

The Speaker (Mr. Slade): Order! Mr. Shikuku. I do not think any of this is touched by anything proposed in this Bill.

Mr. Shikuku: I am sorry, Mr. Speaker. I am slightly off track there and I will come back. I know the Attorney-General is not experienced and so I am giving him a lecture—he does not have to pay me for it.

Now, Sir, I am coming to the question of currency offences. The Attorney-General told the House that the magistrates are now going to have power to try the small cases concerning amounts of money which are not very large indeed. I have been disappointed in the past, Mr. Speaker, when I have read in the Press that So-and-so was found fiddling with our currency but he is only sent to jail for two weeks, or for one month and so on. I think this is a very serious thing. Even for one cent, anybody contravening this law, the law as far as currency is concerned, that man should be sent in for one year. When you catch a thief, it is not the first

time he is committing an offence. He has been doing it, and after his 40 days have elapsed, then that is the time you catch him. My submission, Mr. Speaker, is that I am of the opinion, although the Attorney-General says that cases involving small amounts of money should be tried by some magistrates to lessen the work at the top, I feel there is no question of a small amount. Even if it is five cents, that particular expatriate, or that particular citizen who is fiddling with the currency should be put in jail and also be given strokes to teach him a lesson. There is no question of a little money. If he stole, let us say, £2,000, this man should be put inside for life. He is sucking money from this country and we are fighting to retain money in this country. If somebody is fiddling, then I do not think that should be considered small as the Attorney-General would like us to believe. The magistrates must be more vigilant and deal with the people who are fiddling around with our money very, very seriously indeed.

Having said that, Mr. Speaker, I know the Attorney-General will consider it, and I think there should be some regulations given to these magistrates to give harsher punishment to these people who play about.

Section 47A, of which the Attorney-General informed the House, is in connexion with abuse of the court. This is about reports of criminal proceedings appearing in newspapers and so on, and he was trying to get the people from the court not to be involved before this, that and the other. Mr. Speaker, I am of the opinion that the public must be informed of the proceedings in the court. If any person is sent to court, for no matter how small an offence, then we should have exact reports of what goes on in the court. At the same time the people in the court, where the business has been conducted, and which has been reported by the newspapers, should be in a position to come and give evidence in the case of that newspaper being sued by the person being tried. The only thing is I would warn the newspapers not to be biased in their reporting, and I do not think many newspapers here are biased, and they should be reporting the exact things which go on and not try to lead the public, or anyone else, making him believe that a particular person is guilty before the case has been concluded, giving the impression that the person is not guilty at all.

I am of the opinion, Mr. Speaker, that this clause should not be amended but should be left as it is whereby the newspapers can keep us informed about the trial of hon. Omwari, or hon. Shikuku, or hon. Munoko, so that we have actual reporting. This will enable us, although we are

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not judges, we are not *pundas* and can read between the lines—to know something about hon. Munoko or hon. Omweri. The fact that one is a lawyer does not mean he is an angel; he can make a mistake. We people who make the laws here, the majority of us are not lawyers at all. We are laymen but we have grey matter upstairs and we can easily know what is wrong and what is right. To assume that we are like *pundas*, we in this House, is very wrong. We are capable, some of us here, Mr. Speaker—I know we are not trained but if the Attorney-General gave us coaching for one year we may even surprise some of the lawyers in the country. We did not receive any training so we are bush lawyers.

I do not see the point, Mr. Speaker, of amending this section at all. I want it to stay as it is and let the newspapers report accurately, and when the worst comes to the worst the newspapers and the court could come together and give a report of what happened when that particular person sues the newspaper.

The Fugitive Act, Mr. Speaker, is one of the Acts that we have talked about here, and I welcome it very much. Mr. Speaker, may I warn the Attorney-General about the Fugitive Act? Things change and I believe in the Latin phrase which says *Tempora mutantur et nos mutantur in illis*, which means that as time changes we ought to change along with time. Things may go smoothly but there comes a time when things can go wrong, and this Fugitive Act could be used by certain individuals to have certain of their political enemies eliminated wherever they are. Mr. Speaker, as the Fugitive Act stands now, it is quite all right to catch the criminals, but the word "criminal" is sometimes interpreted in different ways.

The Speaker (Mr. Slade): Mr. Shikuku, the amendments of this particular Act proposed by this Bill do not really touch the substance of the Act at all. I am afraid they do not give scope for discussing the merits of the Act itself. We have to confine ourselves to the actual amendments proposed here which, with regard to this Act, are purely formal amendments.

I have to tell you that on the previous occasion when you were referring to Section 186 of the Criminal Procedure Code, I learn that you were more relevant than appeared from the Bill, because the word "and" has been omitted from the Schedule by mistake, and the Schedule does purport actually to amend Section 186 as well as the marginal note. On the other hand, it is only following up in the Criminal Procedure Code a substantive amendment which has already been made in the Penal Code a short time ago. You

are entitled to discuss that because the substance of the section is being amended. The Attorney-General will move a suitable amendment to put it right in the Committee Stage.

Mr. Shikuku: Thank you, Mr. Speaker. I will come to that point later as I have something to say now that you have been very considerate and have pointed out to me that I can discuss it, I will leave the Fugitive Act as you have ruled, Mr. Speaker. I have a feeling that things can change but let us hope they will not change whereby we pursue our enemies and eliminate them wherever they are, which is wrong. If you eliminate, then you will also be eliminated in the long run.

Now, Sir, I am referring to the amendment of section 67, which is under the Prisons Act. Mr. Speaker, they say there "replace '18' years with '17' years". Mr. Speaker, when the Attorney-General was moving this amendment he gave the reason that we should have these people between 17 and 21 years of age going for Borstal training. I think I welcome this, Mr. Speaker, because many of our young men have become very bad. When they become mixed up with the professional criminals they come out and try to practice what they have learned from the professionals who are in prison.

Mr. Speaker, I would like to know one thing. I would like to know when the Borstal training is going to be established and also where it is going to be established. There is a tendency all the time to have everything in Nairobi. There are a lot of criminals in the Western Province, there are criminals in the Coast Province, criminals in the Eastern Province, and everywhere. I think when the Government comes to implement this they should establish the Borstal training schools for youths in every province so that we have all the criminals, the young men wherever they are, looked after and rehabilitated through this type of schools. I would like that point to be considered seriously.

The other point, Mr. Speaker, is about females. The Attorney-General a very big advocate and a defender of females in this House, though he is a bachelor—

The Attorney-General (Mr. Njonjo): What is wrong with that?

Mr. Shikuku: There is nothing wrong. I said that although you are a bachelor, probably you have a reason for defending women. However, I agree with the Attorney-General when he talks of females now to be working outside the prison compound like men. After all there is a talk, and

[Mr. Shikuku]

I think it is a loose talk, of equality of men and women. I think these women should also be felling trees as men do because they want equality.

The Attorney-General (Mr. Njonjo): Are you agreeing with the equality between men and women?

Mr. Shikuku: Mr. Speaker, I do not agree with it. However, if this is the talk, let them do it physically by working outside the camps like men. Let them feel the pinch by felling trees and let us see how far they can go. Personally, Mr. Speaker, I know that we cannot be equal to women because even the Bible itself does not say so. Jesus, when He was on earth, Mr. Speaker, appointed the 12 Apostles and none of them was a woman. If He knew that they were equal, He should have appointed one woman at least. It is a theory in the Western countries that women are equal to men. However, I do not believe in this. I believe in my Bible. Jesus can never make a mistake, and therefore He was right in not appointing any woman to be one of his Apostles.

Mr. Speaker, Sir, having said that, this treatment of women—Mr. Speaker, Sir, nobody can answer that. Mr. Pandya is asking me to ask the Attorney-General to answer. He cannot answer that because none of the 12 Apostles was a woman. If they were equal, He would have appointed one. Therefore the treatment of prisoners should be the same, and I agree with the Attorney-General. Therefore women and men criminals, let us have the same treatment for them and there should be no discrimination.

An hon. Member: Go home and exercise your equality there.

Mr. Shikuku: Mr. Speaker, I will probably go to my home. Nevertheless, unfortunately or fortunately on the part of the Attorney-General, my wife does not believe in equality between men and women. She agrees that she is my wife and I am the boss and chairman of everything all the time. So there is no problem in my home and he should not worry about it.

An hon. Member: What is he asking you?

Mr. Shikuku: He is asking me about my home. It is quite safe.

Mr. Pandya: Can you substantiate that you are the boss?

Mr. Shikuku: Yes, I am the boss, you can ask her; I am an African.

Now, Sir, I am going to section 38, on page 25, on which the Attorney-General gave an explanation—under “The Liquor Licensing Act”

(Cap. 121). It says: “Replace ‘Inspector’ with ‘Assistant Inspector’”.

Mr. Speaker, in his explanation he told us that it would not be necessary for an inspector to go round arresting people who break the Liquor Act, and that a policeman could go round instead. This Liquor Licensing becomes a big nuisance. Sometimes we have had people being unnecessarily interfered with. We have had a case in Bahati where an hon. Member was interfered with when he had bought a bottle of beer and a bit of meat and was taking them while in his car. The policemen were chasing him from where he had bought the bottle. However, they did not ask him where he had bought the meat. This is very interesting and I hope it is not going to be watered down to the extent where you will have so many constables going round merely in order to get a case to report. He has been on the beat and he has not had anything to report, and therefore goes round harassing people just because he wants to have something that he can report.

It is very interesting, Mr. Speaker, that when you go to a police station to report to them about liquor being taken somewhere, they will come at full speed. However, if you tell that people are fighting there or that someone has been killed somewhere, they will take the whole day before they appear on the scene. I hope this Amendment is not going to make these police more troublesome and make them find it easy to arrest people with liquor instead of arresting people who commit criminal offences. This is because when you call them they do not come quickly. However, if beer or liquor is being taken, they rush like nobody's business.

An hon. Member: They also want a bottle of beer.

Mr. Shikuku: Mr. Speaker, I hear from an hon. Member that they also want a bottle of beer. In some cases they also get bottles of beer. This is very wrong. We should be just and not harass our people; we should let them drink. If somebody misbehaves, or is disorderly, let him be arrested. You find that some people, just because they smell beer, though they are not being disorderly, are arrested, sent in and fined. This is the place where I do not agree with this licensing law, where the policemen unnecessarily harass our people and they do not really go hunting for the criminals, but go for innocent people who are taking their drinks peacefully.

At the same time, Mr. Speaker, I do not know whether this applies to the ordinary liquor which we have in the reserves. For example, in my place we have a drink called *Busa*, which is a very

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harmless drink, Mr. Speaker, and makes one fat and very sensible. After drinking it, any man can manage to find his way home. However, you find a policeman coming to harass the poor people who are taking that drink. The only thing which I do not support, and which I can support the police on when they harass the people is *chang'aa* for power. This is because it drives them out of their heads. When they have taken it they usually fall on their faces and they are even unable to lift their heads. Mr. Speaker, Sir, last year I rescued a man whom I found laying on the ground and he could not raise his head.

The Speaker (Mr. Slade): Mr. Shikuku, does this affect the question whether you should replace "Inspector" by "Assistant Inspector"?

Mr. Shikuku: Mr. Speaker, why I say so is that I feel that the powers will be delegated to too low grade officers that there will be an abuse to the law.

The Speaker (Mr. Slade): Yes, that is a relevant point, but you have already made it.

Mr. Shikuku: I feel there is a possibility of this being abused.

The other point I would like to make concerns page 24, the Administration Police Act, Cap. 85, section 4 (3). It says, "replace 'a magistrate' with 'an administrative officer'." I do not know why this amendment has been brought. If my memory serves me right, Mr. Speaker, there was one time when we had to appoint magistrates. We trained some at the Kenya Institute of Administration, who I understand are doing a good job; on one, so far, has been thrown into prison, and then we were trying to get powers for magistrates from administrators to deal with the cases of people. Why are we again, within this short period, replacing the magistrates? I was listening to the Attorney-General when he was speaking and I observed that he did not give a convincing reason why we should replace magistrate with "an administrative officer".

Mr. Speaker, Sir, our experience in the past has been that the magistrates or administrators were doing the job, but we were not happy. Now again they are getting the powers? I would like to get a reasonable reason—

An hon. Member: You are not following the amendment.

Mr. Shikuku: Mr. Speaker, if my English is right, the amendment says: "replace a magistrate with an administrative officer". The magistrate is to be replaced by an administrative officer.

The Attorney-General (Mr. Njonjo): Who said that?

Mr. Shikuku: Have I got the wrong Bill? Mr. Speaker, I do not disagree with the Bill I have here as it stands. In other words we are removing the powers of magistrates and giving these powers to administrative officers.

The Speaker (Mr. Slade): Tell me where you are referring, Mr. Shikuku.

Mr. Shikuku: I am referring to page 24; the Administration Police Act (Cap. 85) section 4 (3). It says: "replace 'a magistrate' with 'an administrative officer'." In other words, as I understand, they are removing a magistrate and replacing him by an administrative officer; which means a district officer, district commissioner, assistant district officer, district officer I and God knows what. Mr. Speaker, I would like to know why? If we removed the powers from them, why are we now returning these powers to them? We have had this so many times in the past, where administrative officers have been against politicians, after getting you into trouble he sits there and judges you. I have not been very much impressed by some of these administrative officers at all. I have not been very much impressed by some of them and if we give them this power—Sir, already they are giving us hell as far as the little power they have been given is concerned. When we fought the British colonialism for them and gave them this power we did not think they would turn against us as they are now doing. This is a wrong amendment to be made. I think it should be left as it is. If I have made a mistake, I go before a magistrate, as an independent man who has nothing against me, one who will judge me according to the law. These administrative officers, on the other hand, may differ with somebody over a bottle of beer, over a girl or something of the kind. This has been the case several times. Now you are giving him the powers to convict me or to preside over my case—this is something I do not agree with at all. It should be left in the hands of magistrates, and I do not see any reasonable reason why the Attorney-General should bring this law for amendment.

The Speaker (Mr. Slade): Is this a good point to break off, Mr. Shikuku?

Mr. Shikuku: Yes, Sir.

The Speaker (Mr. Slade): I will now call on Mr. Cheboiwo to move the adjournment of the House.

MOTION FOR THE ADJOURNMENT UNDER STANDING ORDER 20

THREATENED TEACHERS' STRIKE

Mr. Cheboiwo: Mr. Speaker, I beg to move that the House do now adjourn.

[Mr. Cheboiwo]

I must thank you, Mr. Speaker, and the House for giving me the time to move this very important Motion.

Sir, this question of teachers is a matter which is well known to all of use in this House. The fact is that the teachers in this country play a great part in building the nation. We always talk about building the nation by improving our roads, tarmacking the roads, putting up nice health centres, schools and the rest of it. Mr. Speaker, Sir, I believe the teachers in this country, and those in other parts of the world, are the proper builders of any nation, especially a growing nation like Kenya. Why is this? It is because, Sir, without the teachers teaching our future leaders there would be no good leaders for the future.

Mr. Speaker, I am sure that more than 75 per cent of the hon. Members in this House were teachers. While they were teachers I am sure they would not like to have been mistreated. I know one of them who taught in Nandi for 11 years and today he is a Member of this House. This is hon. Tsalwa. He did a very good job of teaching, he was very happy and I am sure he would not have liked to have been mistreated. I do not know what place he is a Member of, but I do know it is somewhere in the Western Province. Oh, I am told it is Kakamega.

We all know, Mr. Speaker, that leaders come and go, and I do not think any of us would believe that anybody who holds a good post, whether he be in the Government, the private sector or anywhere else was not educated properly to do a good job. The people who have educated them are the teachers.

To come to the real point which prompted me to move this Motion for the Adjournment this afternoon, Mr. Speaker, it is the approval of one Sessional Paper in this hon. House in 1967. When this Sessional Paper was brought to the House, we were all very happy because the teachers always complain to us when we go to our constituencies, when we hold public rallies, when we talk to them in private meetings, or any such discussions. They always complain. At one time they demanded one employer because they did not want to be employed by the different county councils, for example Central Rift, Baringo, Western Province and so on. This is because they were treated differently by the different county councils and they all wanted the same treatment under one employer. This was a very important demand. This was agreed to. They demanded an increment of their salaries, they wanted all sorts

of things given to them as part of their service allowances and these requests were approved in this House. This was in 1967 and I am sure my friend, hon. Nyagah was the Minister for Education at that time.

Mr. Speaker, at that time we approved that the reviewing committees would meet after six months. I was very confident that they would do this, as it affected teachers, who are very important people in this country. However, I was surprised this afternoon when I heard the Minister for Education, hon. Dr. Kiano, say that the first meeting took place only on the 22nd of April this year. This means that this was only done more than 12 months later. What was his Ministry doing about this? The Minister said that the Kenya National Union of Teachers was unfair to call this strike tomorrow. I can assure the House—as far as I believe this—that the Kenya National Union of Teachers was 101 per cent correct in calling this strike. The teachers were very mistreated. The meeting was to take care of reviewing their salaries, see to the equipment and other things. If the Review Committee did sit as often as agreed in this House, then we would not have this problem at all. The teachers would have been happy but now, instead of looking into the case of the teachers the Ministers are bringing this question of 20 per cent gratuity of all the salary they have earned. They are forgetting the important things. I have nothing against the Ministers, there is no government which can be run without Ministers. This is quite all right.

Sir, I am sure that most of the Ministers here were teachers at one time, and when they were campaigning to come to this House—I remember attending several meeting in 1963 during the time of the general election—they promised the teachers that if they were voted to this House, then they would try to help them. Those who were teachers in 1963, when they were voted in, completely forgot about the teachers. They only thought of themselves.

Mr. Speaker, this is a very serious matter. We do not want to see these teachers going on strike tomorrow. We do not want to see our children suffer, we do not want to see some of these teachers joining the private sector because they want more pay to better their future. I know that is a good thing. I have met several of these teachers who have said that if the Government— They have said that they have confidence in the Government but there is always the use of the word “but” when saying that the Government has not looked into their affairs seriously. That is why they are joining other

[**Mr. Cheboiwo**]

Ministries in order to get good pay, in order to get good treatment, and such other things. If their affairs were looked after, they would certainly not have this problem today.

Mr. Speaker, I feel very strongly that something must be done forthwith. I noticed that the Minister looked very worried this afternoon. But this, I say, is too late to start working at this time, after the teachers have called a strike. What has that Ministry been doing since 1967? What about the Review Committee? Why did they not meet, why did they ignore these teachers? When the Sessional Paper was brought here, we all agreed on the recommendations that were made and certain things were resolved as I have said before. I do not want to repeat myself here, Sir. If you look at the meeting of the 22nd April this year, you will find that this only took place after 12 months.

I would like to appeal to the Ministry, and the Government as a whole, to see that they do something for the teachers. That is something that I would like the Government to do. It should call the Review Committees and discuss what has been suggested—as the Minister said this afternoon—in the recommendations of the Kenya National Union of Teachers. Let them agree—

Mr. Ngala-Abok: On a point of order, Mr. Speaker, would it not be in order for me to say that the resolution was that the salaries could be increased within six months, and not after six months, because after six months means that the Minister is right. It was, however, to be within six months.

The Speaker (Mr. Slade): That is the correct record, yes.

Mr. Cheboiwo: I do not have a quarrel with my friend here, but the problem is with this committee which has not been meeting, Sir.

What I would like to do is to appeal to the Ministry, and the Government as a whole, is that the Ministry and the Government must take serious steps to see that these teachers are not allowed to go on strike tomorrow. When they do go on strike our children will suffer. Then, also, if the teachers go to different Ministries, different companies to work, it will be very, very complicated to bring them back.

With these few remarks, Mr. Speaker, I would say that the Motion is very clear and, therefore, I beg to move.

Mr. Munyi will second.

Mr. Munyi: To tell the truth, Mr. Speaker, what is important is that hon. Members will agree with me that the resolution which we are going to pass—

Mr. Kebaso: On a point of order, Mr. Speaker, since this question is a national issue, would it not be right that when we debate such an important and serious matter the Minister for Education should be here? If we just talk like parrots and the Minister is not there, then we are wasting our time.

The Speaker (Mr. Slade): The Minister has just arrived.

Mr. Munyi: All I want to say, Mr. Speaker, is that it is as clear as daylight that most of the Members in this House have been teachers. Even when you look at the other side, Sir, you will know that the Leader of the Opposition used to be a teacher. Very near me, here, I can see hon. Dr. Kiano who used to be a teacher. Therefore, I do not see the reason why every now and then we have been frustrating the teachers.

Mr. Speaker, Sir, the teachers are people who form a part which is very important in our community and it is high time that the Government should do something to see to it that the conditions given to the teachers are better than the conditions given to people in the private sector and in other Government departments. Today we are talking of what is happening in the countryside. The teachers are the first people to know what is going on in the countryside and that is because they are with the people, they are there in the rural areas, and so I do not see the reason why the teachers should be told today, "This is going to happen", and then tomorrow they are told, "That is going to happen". In fact, nothing has been happening.

So, all what we are asking the Government to do is to agree—Every time there is a meeting between the Union of Teachers and the—

Mr. Speaker, Sir, the Assistant Minister for Education is trying to take this matter very lightly, but this is not a light matter; it is a matter which is rather explosive. It is high time that the Ministry regarded this matter as a burning issue.

Today, Sir, we were told that people did not know that the teachers were going on strike. People were well informed. This was broadcast by Radio Uganda, Radio Tanzania and it was even broadcast by the international radios, that Kenya teachers were going on strike. Is the Minister not aware of that? So, to try to come here and convince us, to try to tell us that people are not aware of this, that the teachers are not going on strike, this is information which is incorrect, Mr. Speaker. Everyone knows that the teachers are going on strike. People get information from the radio and through very many other media. So, to come and tell us that whenever the teachers complain we should turn that down is wrong. It is high time that the Government

[Mr. Munyi]

should concentrate on this, the Government should comply with what was agreed. The Review Committee—

Mr. Mwithaga: On a point of order, Mr. Speaker, would you request the hon. Member to lower his voice so that we can hear what he is actually saying?

The Speaker (Mr. Slade): If the hon. Member would lower his voice a little, I would not have to raise mine quite so much.

Mr. Munyi: Mr. Speaker, Sir, I think that my good friend is trying to take this as a joke, but it is a very explosive matter.

The Speaker (Mr. Slade): Really, Mr. Munyi, it is a perfectly good point of order, because hon. Members do very often complain that you practically deafen them. Do try to moderate your voice a little. I know that you have a very strong voice.

Mr. Munyi: All that I am trying to say, Mr. Speaker, is this, and it is a fact. We want the Ministry to take immediate action. We should not be told that something is being done, but when you come to practical things you find that nothing is being done. Mr. Speaker, Sir, I had the experience, as it was, only yesterday when I went to one of my schools. I have helped to build in Embu, a secondary school. I went there and found they had a shortage of more than six teachers, and for the last six months some of important subjects have not been taught. When you go to the Teachers' Commission you are told that teachers have been posted to Nairobi. Teachers have been posted to a school in Kakamega; they have been posted to a school in Mombasa, but this is not happening, Mr. Speaker. It is high time, Mr. Speaker, when the Minister—

The Speaker (Mr. Slade): We must keep to the point of the threatened strike, and not discuss which schools are receiving more benefits than others.

Mr. Munyi: What I am trying to do, Mr. Speaker, is to concentrate on the facts. What is making the teachers go on strike, Mr. Speaker? It is because they are understaffed, and they are being overworked, Mr. Speaker.

The Speaker (Mr. Slade): Yes, but you were getting away from the point when you said other schools were not understaffed and that this was all very unfair. That is getting away from the point.

Mr. Munyi: Mr. Speaker, I was trying to give an example of one of the schools which I know, and the Minister knows this very well, Mr. Speaker, where the teachers are threatening to go

on strike. This must be corrected. It is high time the Minister should correct these things.

Mr. Speaker, I do not want to say that the members of that particular service commission are inexperienced, but there is something wrong somewhere and we are asking the Minister today, this afternoon, this evening, to do something, because the machinery of the Teachers' Service Commission is the wrong machinery. According to the reports in the newspapers it is made very clear by the Teachers' Union that on many occasions they had been promised meetings, but when they went there they were not attended to. Nobody goes to attend these meetings, Mr. Speaker, does this not show that the machinery in the Teachers' Commission is wrong? Does it not show, Mr. Speaker, Sir, that there is inefficiency somewhere? This is all we ask the Minister to do. Whenever the Minister stands to answer questions in this House, he tells us teachers' complaints are being attended by officers of his Ministry. Mr. Speaker, Sir, whenever Members complain in this House, it should be the responsibility of the Minister himself to see to it that action is taken and things are corrected before they become worse.

Therefore, Mr. Speaker, Sir, I do not want to waste the time of the other Members. What I would like to emphasize, Mr. Speaker, is that I appeal to the Minister to change the machinery followed by the Teachers' Commission, and as soon as the machinery is changed, I am sure things will improve. If the Minister does not take action, our country will be under some kind of tension because this is the time when the pupils are due to sit for very important examination, and if the teachers go on strike then the pupils will not learn anything as they will not have teachers in their schools.

With these few remarks, Mr. Speaker, Sir, I beg to second very strongly, and I am appealing to the Minister to take action and see to it that he corrects the machinery of the Teachers' Service Commission.

The Speaker (Mr. Slade): Mr. Godia, I think you will have to limit yourself to five minutes, assuming the Minister needs five minutes in which to answer.

Mr. Godia: Thank you very much, Mr. Speaker, for allowing me to speak on this Motion.

Mr. Speaker, the first thing I would like—

Mr. Kibuga: On a point of order, Mr. Speaker, Sir, it is only a small thing. Is it not normal that you propose the Motion?

The Speaker (Mr. Slade): Yes. Thank you very much, Mr. Kibuya.

(Question proposed)

Mr. Makone: On a point of order, Mr. Speaker, I am very sorry for my friend. I am not quite sure—but is it not a fact that in a Motion such as this, whose debate continues up to 7 o'clock, there is no need for proposing the question?

The Speaker (Mr. Slade): No. This is not like a matter raised on the Adjournment in the ordinary way. This is a Motion for the Adjournment of the House while it is during the ordinary period of business, and this kind of Motion is interrupted at the ordinary time for interrupting business, which is half past six.

Mr. Godia: Mr. Speaker, Sir, I wanted to thank the Minister for recognizing need for one employer for the teachers. Mr. Speaker, Sir, it appears the one employer does not have the power to deal with the problems of the teachers. The problems of the teachers are dealt with by the Minister himself, and that is why, Mr. Speaker, the one employer appears to be powerless.

Mr. Speaker, Sir, I can see that the reason for the teachers' strike, which is beginning tomorrow, is because their salaries have not been reviewed from time to time in accordance with what this House agreed in a resolution. Mr. Speaker, Sir, we agreed that every six months the salaries of the teachers should be reviewed to see what is required, and this has not been the case. Mr. Speaker, Sir, in a letter which the Minister himself wrote to the teachers as a circular, No. 106, I think it is stipulated that each class should have one teacher, but, Mr. Speaker, Sir, the teachers complain that there is a shortage of about 8,000 teachers. If they had 8,000 teachers all over the country, the staffing problem would have been overcome. This is a very important issue which I think the teachers are taking as a point, and I think the Minister should assure this House that he has already accepted their conditions.

Another point, Mr. Speaker, is that there has been no consultation on the Teachers' Code of Regulations, that is to say there have been no negotiations with the Teachers' Union and the commission, which is very unfair. I would like the Minister, when he comes to reply, to tell the House that provisions have now been made to see that their meetings for consultation over the Code of Regulations are going to continue.

Mr. Speaker, Sir, the teachers do not approve of the Secretary of the Teachers' Service Commission Appeal Tribunal. The teachers would like the secretary to be an independent person and, in fact, the Minister did state here that he has already directed that an independent person be appointed to take up this position. I thought if this had been effected it would be all right, but it appears, Mr.

Speaker, Sir, that this is a direction from the Minister which has not yet reached the members of the commission. Therefore, I would appeal to the Minister now to stop the strike tomorrow and to promise the teachers that he is going to consider all their problems and satisfy them. Mr. Speaker, Sir, if we allow the strike to go on, starting tomorrow, this means that over 150,000 pupils will miss their education. That will cost a lot of money to the parents who pay the fees every year. I know the Minister would not like to see any of his students going to school without a teacher, and that applies to all of us.

Therefore, Mr. Speaker, let us satisfy the teachers' problems by tomorrow so that they do not go on strike and their conditions are met. I would like the Minister to move that accordingly.

Mr. Kebaso: On a point of order, Mr. Speaker, since the whole House is in your good hands, and you have already over-ruled another Member who asked you if you could extend the time, knowing that 150,000 children are going to be affected by this very serious matter, may I appeal to you on behalf of the House, to prolong the time from 6.30 o'clock to 7 o'clock? If you do that, you will enable us to show the Minister for Education that he is wrong in certain ways.

The Speaker (Mr. Slade): Mr. Kebaso, I have no power to extend the period of the sitting of the House, except so far as I have very limited power to allow business to run on, perhaps for five minutes or so, or stop five minutes earlier, according to the convenience of Members. Otherwise, if it is a matter of exempting business from Standing Orders, including Standing Order 17 which fixes the hours, that can only be done on a Motion by a Minister which is carried by the House. Unless a Minister cares to move what you suggest, we will have to interrupt business very soon after 6.30.

Mr. Kamau: On a point of order, Mr. Speaker, when we have an Adjournment Motion, and the time expires when we are in the middle of debate, we normally leave the House without any resolution being passed. In this particular Motion, Sir, which we can say is of national importance, could we be given an assurance by the Minister, when he replies, that the question of the strike tomorrow is going to be looked into and arrangements made to stop the strike?

The Speaker (Mr. Slade): Order! You will not be given any such assurance as a point of order.

The Minister for Education (Dr. Kiano): Mr. Speaker, Sir, when a question was raised by Private Notice I spoke at length on this issue and, therefore, I will not keep the House waiting for still more ideas.

[The Minister for Education]

I would like to say that I, myself, as the hon. Member for Embu East is, am a former teacher, and I do not like any frustration by anyone. I would like to correct him when he said that nothing has been done for the teachers. This is not correct, as the House itself passed a Sessional Paper, and I hope that was not nothing.

In any case, Sir, due to the short time available to us, I would like to inform the House that the Committee on Salary Remuneration did meet this afternoon, and when they met they resolved to meet again and then they came to see the acting Minister for Labour and myself, and that is why, Sir, I was a little late when the debate started, because we were polishing up our English as to what to say to the country. I am happy to report to the House that the strike has been postponed. I would like to read the Press Statement which we have not even had time to type, Sir, but which has been signed both by the Government and the National Union of Teachers, who are present here, and I quote, Sir:—

“The Teachers Service Remuneration Committee met on the 9th June 1969 to discuss the matter of reviewing teachers' salaries and other matters connected with teachers' terms and conditions of service.

Thereafter, the Kenya National Union of Teachers met with the acting Minister for Labour, Mr. Dawson Mwanjumba, and the Minister for Education, Dr. J. G. Kiano, on these same matters. It was agreed that—

(a) the Teachers' Salaries Remuneration Committee will meet again on Tuesday, 21st

June 1969, at 2.30 p.m. to prepare the final report to be submitted to the Minister for Education.

(b) in view of the above the Kenya National Union of Teachers has postponed the strike scheduled for tomorrow, 10th June 1969, to 10th July unless a settlement has been reached by then.

(c) the Minister has undertaken to inform the Kenya National Union of Teachers of Government's decision on the report by the 10th July 1969.

Signed:

S. G. Kioni,
General-Secretary,
Kenya National Union of Teachers.

Signed:

J. K. Njoroge,
Permanent Secretary,
Ministry of Education,
on behalf of the Minister.

Witnessed by:

Dawson Mwanjumba,
Acting Minister for Labour.”
Thank you, Mr. Speaker.

ADJOURNMENT

The Speaker (Mr. Slade): It is just past time now for the interruption of business, so the House is adjourned until tomorrow, Tuesday, 10th June, at 2.30 p.m.

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

Tuesday, 10th June 1969

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

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

PRAYERS

COMMUNICATION FROM THE CHAIR

ELECTRICITY FAILURE IN THE CHAMBER

The Speaker (Mr. Slade): Hon. Members, as you will see, there is some failure of electricity this afternoon. It will not disturb us very much, as long as the amplification of speech, especially for the reporters, is working. If it is working up there in the HANSARD box, all is well, I think.

NOTICE OF MOTIONS

ADMINISTRATION OF THE ELEM TRIANGLE

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

THAT, in view of the fact that the Elem Triangle has been administered by our Government and the Sudan Government since 1931, this House urges the Kenya Government to negotiate with the Sudan Government so that the whole part is transferred to the Republic of Kenya.

CONGRATULATIONS TO THE PRESS

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

THAT, this House, being aware of the responsible and constructive part the Press of this nation have played in nation building, and the stability of this progressive Republic, wishes to convey our thanks and gratitude to all concerned in running this noble institution.

TRADE LICENSING ACT: APPEALS PROCEDURE

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

THAT, in view of the fact that the Trade Licensing Act is rather confusing to the public for the reasons that some non-citizens are being given their licences back and some are being refused, this House urges the Government for the better and fair-running of this Act to establish—

(a) a District Appeals Committee to determine all appeals lodged as a result of the notices served by the Ministry from which there is further appeal to;

(b) a Provincial Appeals Committee composed of members from every district in that province and the decision of the Provincial Appeals Committee will be final.

ORAL ANSWERS TO QUESTIONS

Question No. 196

FREQUENT RAIDS ON POKOT PEOPLE BY TURKANA

Mr. Kassa-Choon asked the Vice-President and Minister for Home Affairs to state—

(a) what measures the Government was taking to stop the frequent raids on Pokot tribesmen by armed Turkana and Ng'oroko;

(b) how many Pokot had been killed and how many cattle had been taken by the raiders during 1968/1969;

(c) if he would consider establishing police outposts at Lotongot, Orwa and Chesekon.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Matano): Mr. Speaker, Sir, I beg to reply. (a) The Government is taking every possible step to prevent these raids. The recent establishment of two patrol bases in this area of Kenya Police/Administrative Police combined has helped to improve the security situation.

(b) The number of Pokot killed in 1968 was nine and in 1969 was four. The number of cattle stolen in 1968 was 1,575 and in 1969, 1,122.

(c) Two police patrol bases have already been established at Lotongot and Sigor and it is not intended to construct one at Chesekon or Orwa at this stage. The position is, however, being watched carefully.

Mr. Kassa-Choon: Mr. Speaker, Sir, while I appreciate the steps which the Government is taking to prevent these raids, and the Assistant Minister has said that the Kenya Police and Administrative Police combined have helped to improve the security situation, but will he now assure this House that the police posts he is talking about at Lotongot and Sigor will be there permanently, because I understand they are only temporary? Will he assure the House that they will remain?

Mr. Matano: Mr. Speaker, Sir, as I said earlier, the situation is being watched by the Government, and these police posts have been established to watch the situation and see how it goes on. If it is found necessary for them to be established there permanently, they will certainly be established permanently. However, if conditions improve in such a way that it is unnecessary for these police posts to remain there, then the Government may decide to do whatever they feel is fit.

Mr. Areman: Mr. Speaker, Sir, would the Assistant Minister agree with me that some of these Pokot people who have been killed jumped into the Turkana District, and that is why they were killed?

Mr. Matano: Mr. Speaker, Sir, I would not like to go as far as the hon. Member is trying to suggest, but, at the same time, I have said here many times that these tribal raids and conflicts are prevalent in this particular area. It is for the hon. Members to try to discourage their people from this type of activity.

NOTICE OF MOTION FOR THE ADJOURNMENT

MATTER OF REPLY TO QUESTION NO. 196:
RAIDS ON POKOT BY TURKANA

Mr. Lorimo: On a point of order, Mr. Speaker, in view of the fact that I had no chance to ask the Minister a question, I wish to raise this matter on the adjournment, if the hon. Member will agree.

Mr. Kassa-Choon: Agreed.

The Speaker (Mr. Slade): Next question.

ORAL ANSWERS TO QUESTIONS

Question No. 194

RAPID TRANSFER OF MURANG'A DISTRICT
COMMISSIONER

Mr. Wanjagi asked the Minister of State, President's Office, if he would tell the House—

(a) what emergencies had justified a short-notice transfer of a Senior District Commissioner, Mr. Jairus Akibaya, from Murang'a District; and

(b) whether any politician or politics had been involved.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. Mr. Jairus Akibaya's transfer was effected in the normal way, like any other transfers that have taken place within the Civil Service. There was no emergency.

As to the question (b), the answer is, no, Sir.

Mr. Wanjagi: Mr. Speaker, Sir, would the Minister tell the House whether it is normal that a senior district commissioner should be transferred from his area after having been given 24 hours' notice; whether that is normal and whether that is not causing embarrassment to a senior civil servant?

Mr. M. Koinange: Mr. Speaker, Sir, it is not causing an embarrassment. Members of the Civil Service are always ready, and if they are transferred—on the question of when a quick transfer

is necessary—it does not make for any embarrassment because it is reported and is known by them.

Mr. Ngala-Abok: Mr. Speaker, Sir, would the Minister agree with me that senior civil servants should be treated fairly and, as far as transfers are concerned, they should be notified in good time, and only junior ones should have this embarrassment of very quick and very sudden transfers.

An hon. Member: Why discriminate?

Mr. Ngala-Abok: Senior men are senior men!

An hon. Member: They are not.

Mr. M. Koinange: Mr. Speaker, Sir, I believe hon. Members will accept that all members of the Civil Service should be treated the same. We should not cater for some to be given certain treatment more than others.

Mr. G. G. Kariuki: Mr. Speaker, Sir, is the Minister aware that civil servants are transferable any time when necessity arises, and necessity does not give Government the chance?

Mr. M. Koinange: That is fact, Mr. Speaker,

Mr. Wanjagi: Mr. Speaker, Sir, would the Minister tell the House whether the Provincial Commissioner of the Central Province was aware that this transfer was taking place or not?

Mr. M. Koinange: Members of the Civil Service in each province are under the Provincial Commissioner of each province; all are under the Provincial Commissioner.

Mr. Wanjagi: Mr. Speaker, Sir, the Minister did not reply to what I asked. I asked: was the Provincial Commissioner of Central Province notified or was he aware that this transfer was being effected, and if not, why?

Hon. Members: Give us a direct answer.

Mr. M. Koinange: Mr. Speaker, Sir, the general routine of the Civil Service, takes the usual routine and the person who is above is always aware of that.

The Speaker (Mr. Slade): Next question.

NOTICE OF MOTION FOR THE ADJOURNMENT

MATTER OF REPLY TO QUESTION NO. 194:
TRANSFER OF MURANG'A DISTRICT COMMISSIONER

Mr. Munyasia: On a point of order, Mr. Speaker, Sir, in view of the fact that I did raise the same question in this House and the Minister agreed that no civil servant would be transferred

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not judges, we are not *pundas* and can read between the lines—to know something about hon. Munoko or hon. Omweri. The fact that one is a lawyer does not mean he is an angel; he can make a mistake. We people who make the laws here, the majority of us are not lawyers at all. We are laymen but we have grey matter upstairs and we can easily know what is wrong and what is right. To assume that we are like *pundas*, we in this House, is very wrong. We are capable, some of us here, Mr. Speaker—I know we are not trained but if the Attorney-General gave us coaching for one year we may even surprise some of the lawyers in the country. We did not receive any training so we are bush lawyers.

I do not see the point, Mr. Speaker, of amending this section at all. I want it to stay as it is and let the newspapers report accurately, and when the worst comes to the worst the newspapers and the court could come together and give a report of what happened when that particular person sues the newspaper.

The Fugitive Act, Mr. Speaker, is one of the Acts that we have talked about here, and I welcome it very much. Mr. Speaker, may I warn the Attorney-General about the Fugitive Act? Things change and I believe in the Latin phrase which says *Tempora mutantur et nos mutantur in illis*, which means that as time changes we ought to change along with time. Things may go smoothly but there comes a time when things can go wrong, and this Fugitive Act could be used by certain individuals to have certain of their political enemies eliminated wherever they are. Mr. Speaker, as the Fugitive Act stands now, it is quite all right to catch the criminals, but the word “criminal” is sometimes interpreted in different ways.

The Speaker (Mr. Slade): Mr. Shikuku, the amendments of this particular Act proposed by this Bill do not really touch the substance of the Act at all. I am afraid they do not give scope for discussing the merits of the Act itself. We have to confine ourselves to the actual amendments proposed here which, with regard to this Act, are purely formal amendments.

I have to tell you that on the previous occasion when you were referring to Section 186 of the Criminal Procedure Code, I learn that you were more relevant than appeared from the Bill, because the word “and” has been omitted from the Schedule by mistake, and the Schedule does purport actually to amend Section 186 as well as the marginal note. On the other hand, it is only following up in the Criminal Procedure Code a substantive amendment which has already been made in the Penal Code a short time ago. You

are entitled to discuss that because the substance of the section is being amended. The Attorney-General will move a suitable amendment to put it right in the Committee Stage.

Mr. Shikuku: Thank you, Mr. Speaker. I will come to that point later as I have something to say now that you have been very considerate and have pointed out to me that I can discuss it, I will leave the Fugitive Act as you have ruled, Mr. Speaker. I have a feeling that things can change but let us hope they will not change where-by we pursue our enemies and eliminate them wherever they are, which is wrong. If you eliminate, then you will also be eliminated in the long run.

Now, Sir, I am referring to the amendment of section 67, which is under the Prisons Act. Mr. Speaker, they say there “replace ‘18’ years with ‘17’ years”. Mr. Speaker, when the Attorney-General was moving this amendment he gave the reason that we should have these people between 17 and 21 years of age going for Borstal training. I think I welcome this, Mr. Speaker, because many of our young men have become very bad. When they become mixed up with the professional criminals they come out and try to practice what they have learned from the professionals who are in prison.

Mr. Speaker, I would like to know one thing. I would like to know when the Borstal training is going to be established and also where it is going to be established. There is a tendency all the time to have everything in Nairobi. There are a lot of criminals in the Western Province, there are criminals in the Coast Province, criminals in the Eastern Province, and everywhere. I think when the Government comes to implement this they should establish the Borstal training schools for youths in every province so that we have all the criminals, the young men wherever they are, looked after and rehabilitated through this type of schools. I would like that point to be considered seriously.

The other point, Mr. Speaker, is about females. The Attorney-General a very big advocate and a defender of females in this House, though he is a bachelor—

The Attorney-General (Mr. Njonjo): What is wrong with that?

Mr. Shikuku: There is nothing wrong. I said that although you are a bachelor, probably you have a reason for defending women. However, I agree with the Attorney-General when he talks of females now to be working outside the prison compound like men. After all there is a talk, and

[Mr. Shikuku]

I think it is a loose talk, of equality of men and women. I think these women should also be felling trees as men do because they want equality.

The Attorney-General (Mr. Njonjo): Are you agreeing with the equality between men and women?

Mr. Shikuku: Mr. Speaker, I do not agree with it. However, if this is the talk, let them do it physically by working outside the camps like men. Let them feel the pinch by felling trees and let us see how far they can go. Personally, Mr. Speaker, I know that we cannot be equal to women because even the Bible itself does not say so. Jesus, when He was on earth, Mr. Speaker, appointed the 12 Apostles and none of them was a woman. If He knew that they were equal, He should have appointed one woman at least. It is a theory in the Western countries that women are equal to men. However, I do not believe in this. I believe in my Bible. Jesus can never make a mistake, and therefore He was right in not appointing any woman to be one of his Apostles.

Mr. Speaker, Sir, having said that, this treatment of women—Mr. Speaker, Sir, nobody can answer that. Mr. Pandya is asking me to ask the Attorney-General to answer. He cannot answer that because none of the 12 Apostles was a woman. If they were equal, He would have appointed one. Therefore the treatment of prisoners should be the same, and I agree with the Attorney-General. Therefore women and men criminals, let us have the same treatment for them and there should be no discrimination.

An hon. Member: Go home and exercise your equality there.

Mr. Shikuku: Mr. Speaker, I will probably go to my home. Nevertheless, unfortunately or fortunately on the part of the Attorney-General, my wife does not believe in equality between men and women. She agrees that she is my wife and I am the boss and chairman of everything all the time. So there is no problem in my home and he should not worry about it.

An hon. Member: What is he asking you?

Mr. Shikuku: He is asking me about my home. It is quite safe.

Mr. Pandya: Can you substantiate that you are the boss?

Mr. Shikuku: Yes, I am the boss, you can ask her; I am an African.

Now, Sir, I am going to section 38, on page 25, on which the Attorney-General gave an explanation—under “The Liquor Licensing Act”

(Cap. 121). It says: “Replace ‘Inspector’ with ‘Assistant Inspector’”.

Mr. Speaker, in his explanation he told us that it would not be necessary for an inspector to go round arresting people who break the Liquor Act, and that a policeman could go round instead. This Liquor Licensing becomes a big nuisance. Sometimes we have had people being unnecessarily interfered with. We have had a case in Bahati where an hon. Member was interfered with when he had bought a bottle of beer and a bit of meat and was taking them while in his car. The policemen were chasing him from where he had bought the bottle. However, they did not ask him where he had bought the meat. This is very interesting and I hope it is not going to be watered down to the extent where you will have so many constables going round merely in order to get a case to report. He has been on the beat and he has not had anything to report, and therefore goes round harassing people just because he wants to have something that he can report.

It is very interesting, Mr. Speaker, that when you go to a police station to report to them about liquor being taken somewhere, they will come at full speed. However, if you tell that people are fighting there or that someone has been killed somewhere, they will take the whole day before they appear on the scene. I hope this Amendment is not going to make these police more troublesome and make them find it easy to arrest people with liquor instead of arresting people who commit criminal offences. This is because when you call them they do not come quickly. However, if beer or liquor is being taken, they rush like nobody's business.

An hon. Member: They also want a bottle of beer.

Mr. Shikuku: Mr. Speaker, I hear from an hon. Member that they also want a bottle of beer. In some cases they also get bottles of beer. This is very wrong. We should be just and not harass our people; we should let them drink. If somebody misbehaves, or is disorderly, let him be arrested. You find that some people, just because they smell beer, though they are not being disorderly, are arrested, sent in and fined. This is the place where I do not agree with this licensing law, where the policemen unnecessarily harass our people and they do not really go hunting for the criminals, but go for innocent people who are taking their drinks peacefully.

At the same time, Mr. Speaker, I do not know whether this applies to the ordinary liquor which we have in the reserves. For example, in my place we have a drink called *Busa*, which is a very

[Mr. Shikuku]

harmless drink, Mr. Speaker, and makes one fat and very sensible. After drinking it, any man can manage to find his way home. However, you find a policeman coming to harass the poor people who are taking that drink. The only thing which I do not support, and which I can support the police on when they harass the people is *chang'aa* for power. This is because it drives them out of their heads. When they have taken it they usually fall on their faces and they are even unable to lift their heads. Mr. Speaker, Sir, last year I rescued a man whom I found laying on the ground and he could not raise his head.

The Speaker (Mr. Slade): Mr. Shikuku, does this affect the question whether you should replace "Inspector" by "Assistant Inspector"?

Mr. Shikuku: Mr. Speaker, why I say so is that I feel that the powers will be delegated to too low grade officers that there will be an abuse to the law.

The Speaker (Mr. Slade): Yes, that is a relevant point, but you have already made it.

Mr. Shikuku: I feel there is a possibility of this being abused.

The other point I would like to make concerns page 24, the Administration Police Act, Cap. 85, section 4 (3). It says, "replace 'a magistrate' with 'an administrative officer'." I do not know why this amendment has been brought. If my memory serves me right, Mr. Speaker, there was one time when we had to appoint magistrates. We trained some at the Kenya Institute of Administration, who I understand are doing a good job; on one, so far, has been thrown into prison, and then we were trying to get powers for magistrates from administrators to deal with the cases of people. Why are we again, within this short period, replacing the magistrates? I was listening to the Attorney-General when he was speaking and I observed that he did not give a convincing reason why we should replace magistrate with "an administrative officer".

Mr. Speaker, Sir, our experience in the past has been that the magistrates or administrators were doing the job, but we were not happy. Now again they are getting the powers? I would like to get a reasonable reason—

An hon. Member: You are not following the amendment.

Mr. Shikuku: Mr. Speaker, if my English is right, the amendment says: "replace a magistrate with an administrative officer". The magistrate is to be replaced by an administrative officer.

The Attorney-General (Mr. Njonjo): Who said that?

Mr. Shikuku: Have I got the wrong Bill? Mr. Speaker, I do not disagree with the Bill I have here as it stands. In other words we are removing the powers of magistrates and giving these powers to administrative officers.

The Speaker (Mr. Slade): Tell me where you are referring, Mr. Shikuku.

Mr. Shikuku: I am referring to page 24; the Administration Police Act (Cap. 85) section 4 (3). It says: "replace 'a magistrate' with 'an administrative officer'." In other words, as I understand, they are removing a magistrate and replacing him by an administrative officer; which means a district officer, district commissioner, assistant district officer, district officer I and God knows what. Mr. Speaker, I would like to know why? If we removed the powers from them, why are we now returning these powers to them? We have had this so many times in the past, where administrative officers have been against politicians, after getting you into trouble he sits there and judges you. I have not been very much impressed by some of these administrative officers at all. I have not been very much impressed by some of them and if we give them this power—Sir, already they are giving us hell as far as the little power they have been given is concerned. When we fought the British colonialism for them and gave them this power we did not think they would turn against us as they are now doing. This is a wrong amendment to be made. I think it should be left as it is. If I have made a mistake, I go before a magistrate, as an independent man who has nothing against me, one who will judge me according to the law. These administrative officers, on the other hand, may differ with somebody over a bottle of beer, over a girl or something of the kind. This has been the case several times. Now you are giving him the powers to convict me or to preside over my case—this is something I do not agree with at all. It should be left in the hands of magistrates, and I do not see any reasonable reason why the Attorney-General should bring this law for amendment.

The Speaker (Mr. Slade): Is this a good point to break off, Mr. Shikuku?

Mr. Shikuku: Yes, Sir.

The Speaker (Mr. Slade): I will now call on Mr. Cheboiwo to move the adjournment of the House.

MOTION FOR THE ADJOURNMENT UNDER STANDING ORDER 20

THREATENED TEACHERS' STRIKE

Mr. Cheboiwo: Mr. Speaker, I beg to move that the House do now adjourn.

[Mr. Cheboiwo]

I must thank you, Mr. Speaker, and the House for giving me the time to move this very important Motion.

Sir, this question of teachers is a matter which is well known to all of use in this House. The fact is that the teachers in this country play a great part in building the nation. We always talk about building the nation by improving our roads, tarmacking the roads, putting up nice health centres, schools and the rest of it. Mr. Speaker, Sir, I believe the teachers in this country, and those in other parts of the world, are the proper builders of any nation, especially a growing nation like Kenya. Why is this? It is because, Sir, without the teachers teaching our future leaders there would be no good leaders for the future.

Mr. Speaker, I am sure that more than 75 per cent of the hon. Members in this House were teachers. While they were teachers I am sure they would not like to have been mistreated. I know one of them who taught in Nandi for 11 years and today he is a Member of this House. This is hon. Tsalwa. He did a very good job of teaching, he was very happy and I am sure he would not have liked to have been mistreated. I do not know what place he is a Member of, but I do know it is somewhere in the Western Province. Oh, I am told it is Kakamega.

We all know, Mr. Speaker, that leaders come and go, and I do not think any of us would believe that anybody who holds a good post, whether he be in the Government, the private sector or anywhere else was not educated properly to do a good job. The people who have educated them are the teachers.

To come to the real point which prompted me to move this Motion for the Adjournment this afternoon, Mr. Speaker, it is the approval of one Sessional Paper in this hon. House in 1967. When this Sessional Paper was brought to the House, we were all very happy because the teachers always complain to us when we go to our constituencies, when we hold public rallies, when we talk to them in private meetings, or any such discussions. They always complain. At one time they demanded one employer because they did not want to be employed by the different county councils, for example Central Rift, Baringo, Western Province and so on. This is because they were treated differently by the different county councils and they all wanted the same treatment under one employer. This was a very important demand. This was agreed to. They demanded an increment of their salaries, they wanted all sorts

of things given to them as part of their service allowances and these requests were approved in this House. This was in 1967 and I am sure my friend, hon. Nyagah was the Minister for Education at that time.

Mr. Speaker, at that time we approved that the reviewing committees would meet after six months. I was very confident that they would do this, as it affected teachers, who are very important people in this country. However, I was surprised this afternoon when I heard the Minister for Education, hon. Dr. Kiano, say that the first meeting took place only on the 22nd of April this year. This means that this was only done more than 12 months later. What was his Ministry doing about this? The Minister said that the Kenya National Union of Teachers was unfair to call this strike tomorrow. I can assure the House—as far as I believe this—that the Kenya National Union of Teachers was 101 per cent correct in calling this strike. The teachers were very mistreated. The meeting was to take care of reviewing their salaries, see to the equipment and other things. If the Review Committee did sit as often as agreed in this House, then we would not have this problem at all. The teachers would have been happy but now, instead of looking into the case of the teachers the Ministers are bringing this question of 20 per cent gratuity of all the salary they have earned. They are forgetting the important things. I have nothing against the Ministers, there is no government which can be run without Ministers. This is quite all right.

Sir, I am sure that most of the Ministers here were teachers at one time, and when they were campaigning to come to this House—I remember attending several meeting in 1963 during the time of the general election—they promised the teachers that if they were voted to this House, then they would try to help them. Those who were teachers in 1963, when they were voted in, completely forgot about the teachers. They only thought of themselves.

Mr. Speaker, this is a very serious matter. We do not want to see these teachers going on strike tomorrow. We do not want to see our children suffer, we do not want to see some of these teachers joining the private sector because they want more pay to better their future. I know that is a good thing. I have met several of these teachers who have said that if the Government— They have said that they have confidence in the Government but there is always the use of the word "but" when saying that the Government has not looked into their affairs seriously. That is why they are joining other

[Mr. Cheboiwo]

Ministries in order to get good pay, in order to get good treatment, and such other things. If their affairs were looked after, they would certainly not have this problem today.

Mr. Speaker, I feel very strongly that something must be done forthwith. I noticed that the Minister looked very worried this afternoon. But this, I say, is too late to start working at this time, after the teachers have called a strike. What has that Ministry been doing since 1967? What about the Review Committee? Why did they not meet, why did they ignore these teachers? When the Sessional Paper was brought here, we all agreed on the recommendations that were made and certain things were resolved as I have said before. I do not want to repeat myself here, Sir. If you look at the meeting of the 22nd April this year, you will find that this only took place after 12 months.

I would like to appeal to the Ministry, and the Government as a whole, to see that they do something for the teachers. That is something that I would like the Government to do. It should call the Review Committees and discuss what has been suggested—as the Minister said this afternoon—in the recommendations of the Kenya National Union of Teachers. Let them agree—

Mr. Ngala-Abok: On a point of order, Mr. Speaker, would it not be in order for me to say that the resolution was that the salaries could be increased within six months, and not after six months, because after six months means that the Minister is right. It was, however, to be within six months.

The Speaker (Mr. Slade): That is the correct record, yes.

Mr. Cheboiwo: I do not have a quarrel with my friend here, but the problem is with this committee which has not been meeting, Sir.

What I would like to do is to appeal to the Ministry, and the Government as a whole, is that the Ministry and the Government must take serious steps to see that these teachers are not allowed to go on strike tomorrow. When they do go on strike our children will suffer. Then, also, if the teachers go to different Ministries, different companies to work, it will be very, very complicated to bring them back.

With these few remarks, Mr. Speaker, I would say that the Motion is very clear and, therefore, I beg to move.

Mr. Munyi will second.

Mr. Munyi: To tell the truth, Mr. Speaker, what is important is that hon. Members will agree with me that the resolution which we are going to pass—

Mr. Kebaso: On a point of order, Mr. Speaker, since this question is a national issue, would it not be right that when we debate such an important and serious matter the Minister for Education should be here? If we just talk like parrots and the Minister is not there, then we are wasting our time.

The Speaker (Mr. Slade): The Minister has just arrived.

Mr. Munyi: All I want to say, Mr. Speaker, is that it is as clear as daylight that most of the Members in this House have been teachers. Even when you look at the other side, Sir, you will know that the Leader of the Opposition used to be a teacher. Very near me, here, I can see hon. Dr. Kiano who used to be a teacher. Therefore, I do not see the reason why every now and then we have been frustrating the teachers.

Mr. Speaker, Sir, the teachers are people who form a part which is very important in our community and it is high time that the Government should do something to see to it that the conditions given to the teachers are better than the conditions given to people in the private sector and in other Government departments. Today we are talking of what is happening in the countryside. The teachers are the first people to know what is going on in the countryside and that is because they are with the people, they are there in the rural areas, and so I do not see the reason why the teachers should be told today, "This is going to happen", and then tomorrow they are told, "That is going to happen". In fact, nothing has been happening.

So, all what we are asking the Government to do is to agree—Every time there is a meeting between the Union of Teachers and the—

Mr. Speaker, Sir, the Assistant Minister for Education is trying to take this matter very lightly, but this is not a light matter; it is a matter which is rather explosive. It is high time that the Ministry regarded this matter as a burning issue.

Today, Sir, we were told that people did not know that the teachers were going on strike. People were well informed. This was broadcast by Radio Uganda, Radio Tanzania and it was even broadcast by the international radios, that Kenya teachers were going on strike. Is the Minister not aware of that? So, to try to come here and convince us, to try to tell us that people are not aware of this, that the teachers are not going on strike, this is information which is incorrect, Mr. Speaker. Everyone knows that the teachers are going on strike. People get information from the radio and through very many other media. So, to come and tell us that whenever the teachers complain we should turn that down is wrong. It is high time that the Government

[Mr. Munyi]

should concentrate on this, the Government should comply with what was agreed. The Review Committee—

Mr. Mwithaga: On a point of order, Mr. Speaker, would you request the hon. Member to lower his voice so that we can hear what he is actually saying?

The Speaker (Mr. Slade): If the hon. Member would lower his voice a little, I would not have to raise mine quite so much.

Mr. Munyi: Mr. Speaker, Sir, I think that my good friend is trying to take this as a joke, but it is a very explosive matter.

The Speaker (Mr. Slade): Really, Mr. Munyi, it is a perfectly good point of order, because hon. Members do very often complain that you practically deafen them. Do try to moderate your voice a little. I know that you have a very strong voice.

Mr. Munyi: All that I am trying to say, Mr. Speaker, is this, and it is a fact. We want the Ministry to take immediate action. We should not be told that something is being done, but when you come to practical things you find that nothing is being done. Mr. Speaker, Sir, I had the experience, as it was, only yesterday when I went to one of my schools. I have helped to build in Embu, a secondary school. I went there and found they had a shortage of more than six teachers, and for the last six months some of important subjects have not been taught. When you go to the Teachers' Commission you are told that teachers have been posted to Nairobi. Teachers have been posted to a school in Kakamega; they have been posted to a school in Mombasa, but this is not happening, Mr. Speaker. It is high time, Mr. Speaker, when the Minister—

The Speaker (Mr. Slade): We must keep to the point of the threatened strike, and not discuss which schools are receiving more benefits than others.

Mr. Munyi: What I am trying to do, Mr. Speaker, is to concentrate on the facts. What is making the teachers go on strike, Mr. Speaker? It is because they are understaffed, and they are being overworked, Mr. Speaker.

The Speaker (Mr. Slade): Yes, but you were getting away from the point when you said other schools were not understaffed and that this was all very unfair. That is getting away from the point.

Mr. Munyi: Mr. Speaker, I was trying to give an example of one of the schools which I know, and the Minister knows this very well, Mr. Speaker, where the teachers are threatening to go

on strike. This must be corrected. It is high time the Minister should correct these things.

Mr. Speaker, I do not want to say that the members of that particular service commission are inexperienced, but there is something wrong somewhere and we are asking the Minister today, this afternoon, this evening, to do something, because the machinery of the Teachers' Service Commission is the wrong machinery. According to the reports in the newspapers it is made very clear by the Teachers' Union that on many occasions they had been promised meetings, but when they went there they were not attended to. Nobody goes to attend these meetings, Mr. Speaker, does this not show that the machinery in the Teachers' Commission is wrong? Does it not show, Mr. Speaker, Sir, that there is inefficiency somewhere? This is all we ask the Minister to do. Whenever the Minister stands to answer questions in this House, he tells us teachers' complaints are being attended by officers of his Ministry. Mr. Speaker, Sir, whenever Members complain in this House, it should be the responsibility of the Minister himself to see to it that action is taken and things are corrected before they become worse.

Therefore, Mr. Speaker, Sir, I do not want to waste the time of the other Members. What I would like to emphasize, Mr. Speaker, is that I appeal to the Minister to change the machinery followed by the Teachers' Commission, and as soon as the machinery is changed, I am sure things will improve. If the Minister does not take action, our country will be under some kind of tension because this is the time when the pupils are due to sit for very important examination, and if the teachers go on strike then the pupils will not learn anything as they will not have teachers in their schools.

With these few remarks, Mr. Speaker, Sir, I beg to second very strongly, and I am appealing to the Minister to take action and see to it that he corrects the machinery of the Teachers' Service Commission.

The Speaker (Mr. Slade): Mr. Godia, I think you will have to limit yourself to five minutes, assuming the Minister needs five minutes in which to answer.

Mr. Godia: Thank you very much, Mr. Speaker, for allowing me to speak on this Motion.

Mr. Speaker, the first thing I would like—

Mr. Kibuga: On a point of order, Mr. Speaker, Sir, it is only a small thing. Is it not normal that you propose the Motion?

The Speaker (Mr. Slade): Yes. Thank you very much, Mr. Kibuya.

(Question proposed)

Mr. Makone: On a point of order, Mr. Speaker, I am very sorry for my friend. I am not quite sure—but is it not a fact that in a Motion such as this, whose debate continues up to 7 o'clock, there is no need for proposing the question?

The Speaker (Mr. Slade): No. This is not like a matter raised on the Adjournment in the ordinary way. This is a Motion for the Adjournment of the House while it is during the ordinary period of business, and this kind of Motion is interrupted at the ordinary time for interrupting business, which is half past six.

Mr. Godia: Mr. Speaker, Sir, I wanted to thank the Minister for recognizing need for one employer for the teachers. Mr. Speaker, Sir, it appears the one employer does not have the power to deal with the problems of the teachers. The problems of the teachers are dealt with by the Minister himself, and that is why, Mr. Speaker, the one employer appears to be powerless.

Mr. Speaker, Sir, I can see that the reason for the teachers' strike, which is beginning tomorrow, is because their salaries have not been reviewed from time to time in accordance with what this House agreed in a resolution. Mr. Speaker, Sir, we agreed that every six months the salaries of the teachers should be reviewed to see what is required, and this has not been the case. Mr. Speaker, Sir, in a letter which the Minister himself wrote to the teachers as a circular, No. 106, I think it is stipulated that each class should have one teacher, but, Mr. Speaker, Sir, the teachers complain that there is a shortage of about 8,000 teachers. If they had 8,000 teachers all over the country, the staffing problem would have been overcome. This is a very important issue which I think the teachers are taking as a point, and I think the Minister should assure this House that he has already accepted their conditions.

Another point, Mr. Speaker, is that there has been no consultation on the Teachers' Code of Regulations, that is to say there have been no negotiations between the Teachers' Union and the commission, which is very unfair. I would like the Minister, when he comes to reply, to tell the House that provisions have now been made to see that their meetings for consultation over the Code of Regulations are going to continue.

Mr. Speaker, Sir, the teachers do not approve of the Secretary of the Teachers' Service Commission Appeal Tribunal. The teachers would like the secretary to be an independent person and, in fact, the Minister did state here that he has already directed that an independent person be appointed to take up this position. I thought if this had been effected it would be all right, but it appears, Mr.

Speaker, Sir, that this is a direction from the Minister which has not yet reached the members of the commission. Therefore, I would appeal to the Minister now to stop the strike tomorrow and to promise the teachers that he is going to consider all their problems and satisfy them. Mr. Speaker, Sir, if we allow the strike to go on, starting tomorrow, this means that over 150,000 pupils will miss their education. That will cost a lot of money to the parents who pay the fees every year. I know the Minister would not like to see any of his students going to school without a teacher, and that applies to all of us.

Therefore, Mr. Speaker, let us satisfy the teachers' problems by tomorrow so that they do not go on strike and their conditions are met. I would like the Minister to move that accordingly.

Mr. Kebaso: On a point of order, Mr. Speaker, since the whole House is in your good hands, and you have already over-ruled another Member who asked you if you could extend the time, knowing that 150,000 children are going to be affected by this very serious matter, may I appeal to you on behalf of the House, to prolong the time from 6.30 o'clock to 7 o'clock? If you do that, you will enable us to show the Minister for Education that he is wrong in certain ways.

The Speaker (Mr. Slade): Mr. Kebaso, I have no power to extend the period of the sitting of the House, except so far as I have very limited power to allow business to run on, perhaps for five minutes or so, or stop five minutes earlier, according to the convenience of Members. Otherwise, if it is a matter of exempting business from Standing Orders, including Standing Order 17 which fixes the hours, that can only be done on a Motion by a Minister which is carried by the House. Unless a Minister cares to move what you suggest, we will have to interrupt business very soon after 6.30.

Mr. Kamau: On a point of order, Mr. Speaker, when we have an Adjournment Motion, and the time expires when we are in the middle of debate, we normally leave the House without any resolution being passed. In this particular Motion, Sir, which we can say is of national importance, could we be given an assurance by the Minister, when he replies, that the question of the strike tomorrow is going to be looked into and arrangements made to stop the strike?

The Speaker (Mr. Slade): Order! You will not be given any such assurance as a point of order.

The Minister for Education (Dr. Kiano): Mr. Speaker, Sir, when a question was raised by Private Notice I spoke at length on this issue and, therefore, I will not keep the House waiting for still more ideas.

[The Minister for Education]

I would like to say that I, myself, as the hon. Member for Embu East is, am a former teacher, and I do not like any frustration by anyone. I would like to correct him when he said that nothing has been done for the teachers. This is not correct, as the House itself passed a Sessional Paper, and I hope that was not nothing.

In any case, Sir, due to the short time available to us, I would like to inform the House that the Committee on Salary Remuneration did meet this afternoon, and when they met they resolved to meet again and then they came to see the acting Minister for Labour and myself, and that is why, Sir, I was a little late when the debate started, because we were polishing up our English as to what to say to the country. I am happy to report to the House that the strike has been postponed. I would like to read the Press Statement which we have not even had time to type, Sir, but which has been signed both by the Government and the National Union of Teachers, who are present here, and I quote, Sir:—

“The Teachers Service Remuneration Committee met on the 9th June 1969 to discuss the matter of reviewing teachers' salaries and other matters connected with teachers' terms and conditions of service.

Thereafter, the Kenya National Union of Teachers met with the acting Minister for Labour, Mr. Dawson Mwanyumba, and the Minister for Education, Dr. J. G. Kiano, on these same matters. It was agreed that—

(a) the Teachers' Salaries Remuneration Committee will meet again on Tuesday, 21st

June 1969, at 2.30 p.m. to prepare the final report to be submitted to the Minister for Education.

(b) in view of the above the Kenya National Union of Teachers has postponed the strike scheduled for tomorrow, 10th June 1969, to 10th July unless a settlement has been reached by then.

(c) the Minister has undertaken to inform the Kenya National Union of Teachers of Government's decision on the report by the 10th July 1969.

Signed :

S. G. Kioni,
General-Secretary,
Kenya National Union of Teachers.

Signed :

J. K. Njoroge,
Permanent Secretary,
Ministry of Education,
on behalf of the Minister.

Witnessed by :

Dawson Mwanyumba,
Acting Minister for Labour.”
Thank you, Mr. Speaker.

ADJOURNMENT

The Speaker (Mr. Slade): It is just past time now for the interruption of business, so the House is adjourned until tomorrow, Tuesday, 10th June, at 2.30 p.m.

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

Tuesday, 10th June 1969

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

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

PRAYERS

COMMUNICATION FROM THE CHAIR

ELECTRICITY FAILURE IN THE CHAMBER

The Speaker (Mr. Slade): Hon. Members, as you will see, there is some failure of electricity this afternoon. It will not disturb us very much, as long as the amplification of speech, especially for the reporters, is working. If it is working up there in the HANSARD box, all is well, I think.

NOTICE OF MOTIONS

ADMINISTRATION OF THE ELEM TRIANGLE

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

THAT, in view of the fact that the Elem Triangle has been administered by our Government and the Sudan Government since 1931, this House urges the Kenya Government to negotiate with the Sudan Government so that the whole part is transferred to the Republic of Kenya.

CONGRATULATIONS TO THE PRESS

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

THAT, this House, being aware of the responsible and constructive part the Press of this nation have played in nation building, and the stability of this progressive Republic, wishes to convey our thanks and gratitude to all concerned in running this noble institution.

TRADE LICENSING ACT: APPEALS PROCEDURE

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

THAT, in view of the fact that the Trade Licensing Act is rather confusing to the public for the reasons that some non-citizens are being given their licences back and some are being refused, this House urges the Government for the better and fair-running of this Act to establish—

(a) a District Appeals Committee to determine all appeals lodged as a result of the notices served by the Ministry from which there is further appeal to;

(b) a Provincial Appeals Committee composed of members from every district in that province and the decision of the Provincial Appeals Committee will be final.

ORAL ANSWERS TO QUESTIONS

Question No. 196

FREQUENT RAIDS ON POKOT PEOPLE BY TURKANA

Mr. Kassa-Choon asked the Vice-President and Minister for Home Affairs to state—

(a) what measures the Government was taking to stop the frequent raids on Pokot tribesmen by armed Turkana and Ng'oroko;

(b) how many Pokot had been killed and how many cattle had been taken by the raiders during 1968/1969;

(c) if he would consider establishing police outposts at Lotongot, Orwa and Chesekon.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Matano): Mr. Speaker, Sir, I beg to reply. (a) The Government is taking every possible step to prevent these raids. The recent establishment of two patrol bases in this area of Kenya Police/Administrative Police combined has helped to improve the security situation.

(b) The number of Pokot killed in 1968 was nine and in 1969 was four. The number of cattle stolen in 1968 was 1,575 and in 1969, 1,122.

(c) Two police patrol bases have already been established at Lotongot and Sigor and it is not intended to construct one at Chesekon or Orwa at this stage. The position is, however, being watched carefully.

Mr. Kassa-Choon: Mr. Speaker, Sir, while I appreciate the steps which the Government is taking to prevent these raids, and the Assistant Minister has said that the Kenya Police and Administrative Police combined have helped to improve the security situation, but will he now assure this House that the police posts he is talking about at Lotongot and Sigor will be there permanently, because I understand they are only temporary? Will he assure the House that they will remain?

Mr. Matano: Mr. Speaker, Sir, as I said earlier, the situation is being watched by the Government, and these police posts have been established to watch the situation and see how it goes on. If it is found necessary for them to be established there permanently, they will certainly be established permanently. However, if conditions improve in such a way that it is unnecessary for these police posts to remain there, then the Government may decide to do whatever they feel is fit.

Mr. Areman: Mr. Speaker, Sir, would the Assistant Minister agree with me that some of these Pokot people who have been killed jumped into the Turkana District, and that is why they were killed?

Mr. Matano: Mr. Speaker, Sir, I would not like to go as far as the hon. Member is trying to suggest, but, at the same time, I have said here many times that these tribal raids and conflicts are prevalent in this particular area. It is for the hon. Members to try to discourage their people from this type of activity.

NOTICE OF MOTION FOR THE ADJOURNMENT

MATTER OF REPLY TO QUESTION No. 196: RAIDS ON POKOT BY TURKANA

Mr. Lorimo: On a point of order, Mr. Speaker, in view of the fact that I had no chance to ask the Minister a question, I wish to raise this matter on the adjournment, if the hon. Member will agree.

Mr. Kassa-Choon: Agreed.

The Speaker (Mr. Slade): Next question.

ORAL ANSWERS TO QUESTIONS

Question No. 194

RAPID TRANSFER OF MURANG'A DISTRICT COMMISSIONER

Mr. Wanjagi asked the Minister of State, President's Office, if he would tell the House—

(a) what emergencies had justified a short-notice transfer of a Senior District Commissioner, Mr. Jairus Akibaya, from Murang'a District; and

(b) whether any politician or politics had been involved.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. Mr. Jairus Akibaya's transfer was effected in the normal way, like any other transfers that have taken place within the Civil Service. There was no emergency.

As to the question (b), the answer is, no, Sir.

Mr. Wanjagi: Mr. Speaker, Sir, would the Minister tell the House whether it is normal that a senior district commissioner should be transferred from his area after having been given 24 hours' notice; whether that is normal and whether that is not causing embarrassment to a senior civil servant?

Mr. M. Koinange: Mr. Speaker, Sir, it is not causing an embarrassment. Members of the Civil Service are always ready, and if they are transferred—on the question of when a quick transfer

is necessary—it does not make for any embarrassment because it is reported and is known by them.

Mr. Ngala-Abok: Mr. Speaker, Sir, would the Minister agree with me that senior civil servants should be treated fairly and, as far as transfers are concerned, they should be notified in good time, and only junior ones should have this embarrassment of very quick and very sudden transfers.

An hon. Member: Why discriminate?

Mr. Ngala-Abok: Senior men are senior men!

An hon. Member: They are not.

Mr. M. Koinange: Mr. Speaker, Sir, I believe hon. Members will accept that all members of the Civil Service should be treated the same. We should not cater for some to be given certain treatment more than others.

Mr. G. G. Kariuki: Mr. Speaker, Sir, is the Minister aware that civil servants are transferable any time when necessity arises, and necessity does not give Government the chance?

Mr. M. Koinange: That is fact, Mr. Speaker,

Mr. Wanjagi: Mr. Speaker, Sir, would the Minister tell the House whether the Provincial Commissioner of the Central Province was aware that this transfer was taking place or not?

Mr. M. Koinange: Members of the Civil Service in each province are under the Provincial Commissioner of each province; all are under the Provincial Commissioner.

Mr. Wanjagi: Mr. Speaker, Sir, the Minister did not reply to what I asked. I asked: was the Provincial Commissioner of Central Province notified or was he aware that this transfer was being effected, and if not, why?

Hon. Members: Give us a direct answer.

Mr. M. Koinange: Mr. Speaker, Sir, the general routine of the Civil Service, takes the usual routine and the person who is above is always aware of that.

The Speaker (Mr. Slade): Next question.

NOTICE OF MOTION FOR THE ADJOURNMENT

MATTER OF REPLY TO QUESTION No. 194: TRANSFER OF MURANG'A DISTRICT COMMISSIONER

Mr. Munyasia: On a point of order, Mr. Speaker, Sir, in view of the fact that I did raise the same question in this House and the Minister agreed that no civil servant would be transferred

[Mr. Munyasia]

until he had completed two years, and the question has not been answered, may I pursue the question further, with the permission of the hon. questioner.

Mr. Wanjagi: I have no objection Mr. Speaker.

The Speaker (Mr. Slade): Next question.

ORAL ANSWERS TO QUESTIONS

Question No. 166

AMOUNT OF MONEY OWED TO FOREIGN COUNTRIES

Mr. Omar asked the Minister for Finance if he would tell the House how much money Kenya Government owed to the following countries:—

- (a) Britain.
- (b) America.
- (c) West Germany.
- (d) Russia.
- (e) Italy.
- (f) France.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to reply. The Kenya Government owes the following amounts of money to the respective countries as at 30th April 1969.

Britain, K£42,704,800. Much of this money is attached to settlement and general development; some of it is interest-free.

America, K£3,280,300. Much of this money goes to the making of the roads; the Tororo to Eldoret road and the Namanga to Athi River road. We also have some money from the American International Development for roads, the tea roads and so on.

West Germany, K£3,679,000. Much of this money is being spent on tourism, industrial estates, credit to farmers and also on the expansion of Mwea Rice Scheme.

The Union of Soviet Socialist Republics, K£162,900 which is still owing to the hospital in Kisumu.

China, nil; Italy, nil. France, nil.

The Government has negotiated a loan with the Government of Italy for the construction of the Nairobi-Addis Ababa road but the loan agreement on this has not been executed yet. I cannot, therefore, release details on this one at the moment.

Mr. Omar: Mr. Speaker, Sir, arising from that reply, would the Minister tell the House, or give the breakdown of the money borrowed by the colonial Government and that borrowed by independent Kenya.

Mr. Gichuru: Mr. Speaker, Sir, I am extremely happy to say that we do not still carry any money borrowed by the United Kingdom during the colonial time. I would like to make it very clear, that we have borrowed money from Britain: the last borrowing was about K£18 million, much of which was interest-free. If you can tell me where else I could get interest-free money for our development, I would be grateful.

Mr. Mate: Mr. Speaker, Sir, arising from the answer from the Minister that the money borrowed was after independence, would the Minister tell the House, and the country, what happened to bodies like the Commonwealth Development Corporation which established estates like Nyambene Tea Company, and others in Kenya, through money from Britain, and whether such loans were free or renewed, or what happened to them?

Mr. Gichuru: Mr. Speaker, Sir, we must establish ourselves as men; a country that has a Government that lives up to its agreements. For the money that we had borrowed before, we continued to pay, and we have no legacy left from Britain. I would like to say—Sorry I forgot.

Mr. Mate: Mr. Speaker, if you allow me to repeat to the Minister what I wanted to say: we do know bodies—British bodies like the Commonwealth Development Corporation—which had already, before independence, given money to the so-called colonial government to establish businesses, or other things, like Nyambene Tea Company with British money, which I am sure has not been paid all over. Were such loans to Kenya at that time, renewed, freed or what happened to them?

Mr. Gichuru: Mr. Speaker, Sir, I have just remembered when the hon. Member mentioned the Commonwealth Development Corporation. If we are to be grateful to anybody, of all people we should be happy that we have at the head of the Commonwealth Development Corporation a former Governor of this country. He has been extremely generous as far as we are concerned in lending us money. As a matter of fact, if you take all the tea factories that have been established in this country, we have been able to get the money because this particular ex-Governor is the Chairman of the Commonwealth Development Corporation and he has been extremely generous to us.

I would like to say, Sir, that this country ought to be extremely grateful that not only has he made this money available to put up factories, tea factories especially, but I feel that I ought to say this in this House that this country ought

[Mr. Gichuru]

to be extremely grateful. One should not forget that it is after him that our President was described as the leader to death and darkness, and although the old man was put in prison during this Governor's time it is—

The Speaker (Mr. Slade): I do not think that is relevant, Mr. Gichuru.

Mr. Okelo-Odongo: Mr. Speaker, Sir, in view of the fact that the amount of money we owe to Great Britain is staggering in that it is almost equivalent to our annual recurrent revenue, and in view of the fact that there is the possibility that at some time we might be quarreling with Britain, for instance over Rhodesia, and they might demand the money which means that the Government would be at a stand-still, would the Minister consider stopping borrowing any more money from Great Britain and try to borrow money from the Soviet Union and China at the same cost?

Mr. Gichuru: Mr. Speaker, Sir, I would like to say that the policy that I am following at the moment is that we should borrow less and less from any place and try to confine ourselves to spending our own money. However, I am extremely worried that a man of the calibre of the questioner, and a former Assistant Minister in my Ministry, and an extremely able economist, should make this suggestion because it is necessary that we have outside money to back our economy in this country.

The Speaker (Mr. Slade): Next question.

NOTICE OF MOTION FOR THE ADJOURNMENT

MATTER OF REPLY TO QUESTION No. 166: AMOUNT OF MONEY OWNED TO FOREIGN COUNTRIES

Mr. Mbogoh: Mr. Speaker, in view of the fact that the Minister did not complete the whole thing, especially where borrowing is concerned, I would like to raise this on the Adjournment, with the permission of the Questioner, so that we can see why we cannot even borrow from South Africa.

Mr. Omar: I have no objection.

The Speaker (Mr. Slade): Next question.

ORAL ANSWERS TO QUESTIONS

Question No. 182

DEVELOPMENT IN KERIO VALLEY

Mr. Cheboiwo asked the Minister for Agriculture if he would tell the House:—

(a) what the Government was doing over Kerio Valley development at the moment; and

(b) would the actual work start in the next financial year.

The Assistant Minister for Agriculture (Mr. Murgor): Mr. Speaker, Sir, I beg to reply. Provincial plans have been drawn for the development of the Kerio Valley; these were formulated by the Ministry of Agriculture, but it is apparent that the development of this area cannot take place without the involvement of several other Ministries. It is, therefore, necessary to draw up a programme for overall development for the Kerio Valley before any further action can be taken. Work has already started on developing an overall programme. When the various plans for the development of the Kerio Valley have been integrated together with the Ministry of Economic Planning, we will include it as one plan in the Development Plan, 1969/74, which will be published in October this year.

The hon. Member should therefore be patient and await full details when the Development Plan is ready.

(b) It was hoped, initially, that funds would be set aside in the next financial year for agricultural development. However, it is now expected that action will have to wait an overall development plan for the area, as agriculture cannot stimulate development without the assistance of roads and other essential features of infra-structure which do not exist at the present time.

Mr. Cheboiwo: Arising from that, Mr. Speaker, it seems to be a good answer, could the Assistant Minister for Agriculture tell this House that if this plan is published in October the work will follow as soon as possible?

Mr. Murgor: Mr. Speaker, Sir, I share the hon. Member's feelings, because I also come from the district in which he has his own constituency. I hope that when this plan comes we will be able to do something.

The Speaker (Mr. Slade): Next question.

Question No. 192

CONTROL OF TEA GROWERS

Mr. Nyaberi asked the Minister for Agriculture if he would tell the House whether Government controlled the tea planting by the big tea estates which were members of the Kenya Tea Board while controlling small African growers who were directly under the Kenya Tea Development Authority.

The Assistant Minister for Agriculture (Mr. Murgor): Mr. Speaker, Sir, I beg to reply. The Government, through the Tea Board of Kenya, controls the expansion of tea acreage both in the estate areas and in the smallholder areas. In the

[Mr. Murgor]

larger estate areas, the board issues licences after making sure that the applicants have made the necessary arrangements for processing facilities. In the smallholder areas, the control of the expansion is the responsibility of the Kenya Tea Development Authority. Control of expansion in this sector is necessary because, as most of the funds needed for expansion are obtained from outside sources in the form of loans, it is important that planned expansion is geared to the limited resources, both human and financial. It should be made clear that Government controls but does not restrict the expansion of tea both in large estates and in small-holding areas.

Mr. Nyaberi: Mr. Speaker, arising from that answer, and the Assistant Minister having told the House that the Government controls this expansion of tea planting, would the Assistant Minister now tell the House what steps his Ministry is taking to control the planting of tea by these big estates instead of controlling the small growers, because at the present time planting by the big estates is continuous?

Mr. Murgor: Mr. Speaker, Sir, the estimate of the tea acreage in 1965 was as follows: estates, 53,800 acres and they are given an increase of 1,000 acres annually; Kenya Tea Development Authority and settlement schemes, 33,950 acres and they are given an increase of 6,000 acres annually. The smallholders are expanding their acreage much faster than the estates and by 1973 the position will be as follows: estates, 57,800 acres; Kenya Tea Development Authority and settlement, 66,380 acres.

The Speaker (Mr. Slade): Next question.

Question No. 183

ELECTRICITY FOR KABARNET DISTRICT HOSPITAL

Mr. Cheboiwo asked the Minister for Health if he would tell the House how soon he would advise the Ministry of Power and Communications to install electric lights in Kabarnet District Hospital, as the patients (especially in the maternity ward) were suffering.

The Assistant Minister for Health (Mr. ole Konchellah): Mr. Speaker, Sir, this same question was asked in November last year by the same hon. Member, and I thought he was satisfied with the reply which we gave him. However, Mr. Speaker, I beg to give the following reply.

The Ministry provides adequate lighting in those hospitals which are not near the system mains electricity. In a hospital like Kabarnet, lighting is provided by pressure lamps and hurricane lamps, but it is not the policy of my

Ministry to advise the Ministry of Power and Communications to install electricity in hospitals.

Mr. Cheboiwo: Arising from that answer Mr. Speaker, is the Assistant Minister satisfied with these methods of using pressure lamps and hurricane lamps in these hospitals, with no other improvements?

Mr. ole Konchellah: Yes, Sir.

Mr. Lorimo: Arising from that answer, Mr. Speaker, would the Assistant Minister now advise the Ministry of Power and Communications to install lights in the mentioned places, because he has said that it is not his interest to know that?

Mr. ole Konchellah: Mr. Speaker, Sir, I said before that it is not for me to advise the Ministry of Power and Communications, because the Ministry has laid its own plans according to the needs.

Question No. 195

RELATIONSHIP BETWEEN COMMUNITY DEVELOPMENT/MURANG'A COUNTY COUNCIL

Mr. Wanjagi asked the Minister for Local Government if he would tell the House whether the Government was satisfied with the present relationship between the Department of Community Development and the Murang'a County Council.

The Assistant Minister for Local Government (Mr. Munoko): Mr. Speaker, Sir, I beg to reply. The Government is aware that the relationship between Murang'a County Council and the Department of the Community Development has been strained for the last few weeks.

Discussions have already been held between Government officials and the representatives of the Murang'a County Council with a view to establishing the cause of the misunderstanding and suggesting possible solutions. These discussions are to be continued.

Mr. Wanjagi: Mr. Speaker, Sir, while appreciating the fact that the Ministry admits that there is confusion and misunderstanding between the County Council of Murang'a and the Community Development Department, what immediate steps will the Ministry take to ensure that the presents and the gifts by the Central Government which are supposed to be given by the Ministry of Social Services are not handed over to the members of the county council who use them for political purposes?

Mr. Munoko: Mr. Speaker, Sir, as I said in my previous answer, the reasons for the misunderstanding are under investigation, and until they are sorted out, I cannot give him any further answer.

Question No. 189

AMERICAN PEACE CORPS' EXPENSES ON SETTLEMENT SCHEMES

Mr. Kebaso asked the Minister for Lands and Settlement if he would tell the House—

- (a) why, in view of the burden already put on the small African farmers through loan repayments for lands purchased from former European settlers, the American Peace Corps travelling expenses while working in the settlement schemes were put on the farmers' bills;
- (b) why these volunteers were given unlimited mileage claims, privileges which were not extended to African Settlement Officers; and
- (c) why the Minister allowed these volunteers to carry on their personal Local Purchase Orders for purchases of petrol which even the Senior Settlement Officers were not allowed to check or question.

The Assistant Minister for Lands and Settlement (Mr. Malinda): Mr. Speaker, Sir, I beg to reply. (a) The travelling expenses incurred by the American Peace Corps Volunteers working in settlement schemes, other than schemes where water supply is being installed, are paid from the general administrative Settlement Fund Vote. Therefore, such financial burden is not put on the farmers' bills.

Travelling expenses incurred by the Peace Corps while carrying out duties on water projects are paid from the approved water development loans granted to co-operative societies.

(b) The Peace Corps do not own vehicles and, therefore, can lodge no mileage claims. They use Government vehicles.

(c) The Peace Corps working on water projects are allowed to use Local Purchase Order books for emergency requirements of sundry materials only. Such purchases are controlled by the Hydraulic Engineers.

Mr. Kebaso: Mr. Speaker, Sir, since the Assistant Minister replies that such financial burdens are not put on the farmers' bills, and yet confirms that when the Peace Corps work on water projects the mileage claims are put on co-operative societies—knowing very well that co-operative societies means farmers—will the Assistant Minister tell the House how many miles these Peace Corps are allowed in a month? Again, since they are given Local Purchase Order books, and the fact that there should be a limitation of the number of miles allowed to them, will the Minister tell the House who checks the limitation of mileage and so on?

Mr. Malinda: Mr. Speaker, Sir, the Peace Corps, as I said, do not own any vehicles. They use Government vehicles and the normal Government rate of mileage payment is calculated by the officers concerned, our settlement officers in the field.

Mr. Kebaso: Mr. Speaker, Sir, I always think that an Assistant Minister gives the reply to the House which is true. It was only last week that I was told by a senior settlement officer from Sotik that they do not check these volunteers' mileages. Therefore, comparing the reply with the senior settlement officer's statement, this is completely untrue. Will the Assistant Minister, therefore, apologize for misleading the House?

Mr. Malinda: Mr. Speaker, Sir, I am not going to apologize for anything. I have made a statement and this is the position according to the Ministry. If the Member would like to believe the officer he was talking to, it is up to him, but I have given him the facts as they are laid down in my Ministry.

Question No. 165

UNDERSTAFFING OF ISAAK NYUNDO PRIMARY SCHOOL, RABAI

Mr. Omar asked the Minister for Education if he would tell the House—

(a) whether he was aware that the Isak Nyundo full Primary School at Rabai was understaffed; and

(b) if the answer was in the affirmative, what steps the Minister was taking to remedy the situation.

The Minister for Education (Dr. Kiano): Mr. Speaker, Sir, I beg to reply. Isak Nyundo Full Primary School, Rabai, is not understaffed. The school has 15 teachers for 14 classes. Therefore, the second part of the question does not arise.

Mr. Omar: Arising from that reply, Mr. Speaker, is the Minister aware that some of these 14 teachers are untrained, and therefore, they cannot teach certain subjects in some classes, and it is understaffed in that sense? What is he going to do to remedy the situation?

Dr. Kiano: Mr. Speaker, Sir, the fact is that the majority of these teachers are trained teachers. Only three or four are untrained for the lower classes. This situation prevails throughout Kenya.

Question No. 169

FORM V CLASSES FOR EMBU GIRLS' SCHOOLS

Mr. Munyi asked the Minister for Education if he would tell the House—

(a) whether he was aware that in the whole of Embu District there was not a single girls' secondary school with a Form V class; and

[Mr. Munyi]

(b) when was Kyeni Girls' High School in Embu District, which had already a double stream, going to get a Form V class.

The Minister for Education (Dr. Kiano): Mr. Speaker, Sir, I beg to reply. I do not know whether I should thank the hon. Member today, because I did that yesterday.

The hon. Member should be aware that Form V classes do not belong to the districts in which they are located. They belong to the nation as a whole. Students from all over Kenya compete for these schools. Therefore, the districts where Form V classes do not exist does not mean that the students from that particular district suffer any more than other districts.

Kyeni, therefore, will be considered along with other schools depending on funds and demand. There is a Form V for boys in Embu, I believe.

Mr. Munyi: Mr. Speaker, Sir, arising from that answer from the Minister, and arising from the fact that Eastern Province is one of the Provinces in the Republic of Kenya which is lagging behind as far as Form V schools are concerned, and since this secondary school is right in the centre of Eastern Province, will the Minister then consider giving this school a Form V class by next year? This is reasonable, Mr. Speaker.

Dr. Kiano: Mr. Speaker, Sir, the demand for education in this country is reasonable, and therefore, I congratulate the hon. Member. He should be grateful for small gains, because as I said, at least he has a Form V school in his district, while there are some districts in the country which do not have any at all. He ought to realize that Mr. Speaker.

Mr. Mate: Arising from the Minister's answer, are we to understand that the question of more Form Vs in 1970 is under review and that Embu will be considered quite favourably because of the need and the necessity, and would he consider giving Embu some priority since even Embu has people who would like to sell their vegetables in a Form V class and to have other related benefits indirectly?

Dr. Kiano: Mr. Speaker, I strongly admire the spirit of co-operation where the hon. Member for Meru is pleading for Embu, which is nice. I would, however, like to draw the attention of the House to the fact that it is not easy to classify Embu as one of the previously-forgotten districts.

Mr. Muruli: Mr. Speaker, Sir, in view of the fact that Form V classes, as the Minister has said, are national classes, would he now tell us how many girls from Embu went to Form V this year?

Dr. Kiano: Mr. Speaker, quite frankly I did not anticipate that question. I think you will agree, Sir, that that was not very logical arising from the previous one, but should the hon. Member for Embu, and other hon. Members, too, wish to know the number I could provide it at three minutes' notice.

Question No. 170

FORM V CLASS FOR KEVOTE SECONDARY SCHOOL, EMBU

Mr. Munyi asked the Minister for Education if he would tell the House—

(a) if the Minister was aware of the good school certificate results achieved by Kevote (St. Paul) Secondary School in Embu District;

(b) if the Minister would consider giving a Form V class to this school in 1970.

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

The reply to this question is very much like the previous one.

(a) I am aware of the satisfactory school certificate examination results in 1965 and 1966, and very satisfactory results in 1967 at St. Paul's Secondary School, Kevote, but in 1968, the results were not as good as those of previous years.

(b) School certificate results are not the only criterion for a school to get Higher School Certificate classes and, therefore, the question, again, does not arise. It is the second school for Form V I am being asked this afternoon by the hon. Member for the same area.

Mr. Munyi: Mr. Speaker, Sir, arising from that answer, is the Minister aware and will he tell this House whether Kevote Secondary School was one of the first secondary schools in Eastern Province and for that matter it would have been an act of reasonableness for the Ministry of Education to give priority to this particular school because, at present, there many Embu pupils who did very well, but because there were no Form V places, they could not join Form V? Therefore, he should consider this school—

The Speaker (Mr. Slade): Order! That is enough question.

Dr. Kiano: Mr. Speaker, again, I say I am very happy about the Member's deep concern for the need for further educational facilities in his district. He should not, however, keep on painting the picture for Eastern Province and then end up with Embu. If he is concerned with the Eastern Province, we shall talk about the entire Eastern Province. However, he just keeps on coming back to Embu.

Question No. 181

KISII RESULTS OF CERTIFICATE OF PRIMARY EDUCATION EXAMINATION

Mr. Omweri asked the Minister for Education if he would tell the House—

- (a) of the Kisii Certificate of Primary Education candidates of 1968, how many pupils did the second examination and how many pupils failed to sit;
- (b) how many had been placed to Form I and actually took up these places in 1969.

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

(a) A total of 7,375 Certificate of Primary Education candidates were supposed to resit the examination in Gusii in January 1969. Of these I am sorry to say, Sir, that 1,276 boycotted the examination and did not show up.

(b) Form I places, however, were reserved in provincial and extra-provincial secondary schools for Gusii candidates and finally 670 pupils were selected and offered Form I places at the beginning of the year. All have taken their places.

Mr. Omweri: Mr. Speaker, Sir, would the Minister tell us and the country why the figure originally given, 880, has been reduced to 670 in Form I places?

Dr. Kiano: Mr. Speaker, Sir, I do not remember exactly, but I believe the figures we gave for the reserved places did not necessarily mean that they would be filled if the pupils did not pass satisfactorily.

Mr. Omweri: Mr. Speaker, Sir, is the Minister aware that the satisfactory pass, which is subject to argument— There are certain students who had good grades like "A", "B" but who have not been offered a place yet? These pupils are still at home.

Dr. Kiano: Mr. Speaker, Sir, I am not aware. However, if there are students like that it would have been the duty of the hon. Member to do what other Members have done, to draw our attention to it and we will then do our best to

squeeze these pupils in. We have even raised the figures from 35 per class to 38 and in some places even to 40 pupils per class in order to accommodate those who have done well.

Question No. 190

BUILDING CONTRACTOR FOR GUSII AIDED SCHOOLS

Mr. Kebaso asked the Minister for Education if he would tell the House—

- (a) in view of the fact that all citizens of this country participated in bringing *Uhuru* and self-government, why the contract of putting up buildings in all aided schools in Gusii was given to one Geoffrey Kamau who lived in Eldoret;
- (b) why it had been found necessary to import even those persons to build latrines and those mixing cement from Central Province, when in Gusii they had so many school leavers roaming about in town without means of feeding themselves.

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

Before I do so, Sir, I want to say that these are the kind of questions, as my reply will indicate, which are not based on fact.

Mr. Speaker, Sir, the question states that all aided schools in Gusii are being built by one person known as Geoffrey Kamau whose company is known as National Builders of Eldoret, indicating that all schools are under his authority.

The facts of the situation, Sir, are as follows. Schools to be aided by the Government, for capital development, are contracted for through the National Construction Corporation Limited, which is a Government company. This has sub-contractors, and for the information of the hon. Member who, whenever he sees a person from Central Province he begins to itch, Bishop Otunga School was built by Messrs. C. Odek of Sare, who is the subcontractor; Nduru: Messrs. C. Odek of Sare again, and we have had no complaint on that; Nyaburu: Messrs. C. Odek of Sare; Gekano: National Builders of Eldoret, and that is what the complaint is about; Kerere: this is being done by the school's own direct labour.

So out of the 1, 2, 3, 4 and 5 schools, one has a Central Province person who is a subcontractor from Eldoret, and the others the hon. Member does not complain about. I think it is most unfair that whenever a person from Central Province wins a tender on equal basis with other people we are told there is tribalism.

[The Minister for Education]

Sir, in 1967/68 these are the schools—
Sameta: Messrs. Fadiar of Kisii; Nyamagua:
Messrs. Kisii Building Contractors, Kisii; Nya-
bururu: Messrs. C. Odek Sare; Kareri: Messrs.
Chamber Building Contractors of Oyugis; Etierio:
Messrs. C. Odek of Sare.

If there was any complaint about monopoly, it should have been in regard to Messrs. C. Odek of Sare, not the National Building Contractors.

Mr. Kebaso: Mr. Speaker, Sir, while I am glad that the Minister has given me further information which I did not know, is it necessary that he should talk about labour, labour, labour, mainly small labour?

I repeat again, Sir, is it necessary, while agreeing with the Minister that certain contractors are local and some from South Nyanza, to bring somebody to mix the cement from other areas—importing them from other districts or provinces—when there are so many school leavers in this place?

Dr. Kiano: Mr. Speaker, Sir, it is about time the hon. Member began doing some constituency work. If he had some people who needed work in his area, I am sure that Geoffrey Kamau or C. Odek are people who understand Swahili and English, if not Gusii, and he could have gone to them and said, "Please, don't bring anybody from Sare, don't bring anybody from Eldoret; please take my chaps from here, at home," and I am sure they would have done so instead of expecting Ministers to do their constituency work for him.

Mr. Omweri: Mr. Speaker, Sir, while I agree with the Minister on his latter statement, would he tell the Member what power the Member has to decide who should get a contract, because the question arises as to why it was not necessary to award one contract to a Kisii company, such as some of the builders we have, Manga Young Builders, the Kisii contractors, who would have immediately employed youngsters from the area, rather than the people going to apply to new and foreign companies elsewhere?

Dr. Kiano: Mr. Speaker, Sir, I do not consider Eldoret a foreign territory. It is in Kenya. It so happens, Sir, that in Gekano, not Jambururu as originally said, where this fellow is working, only two persons tendered. Only two, and one was C. Odek and the other was Geoffrey Kamau. They were the only two. No Kisii gave a tender to the National Construction Corporation, and I think the National Corporation was getting tired of Odek who already had about four others, and

decided to have a variation. The failure of the Kisii to tender should not be blamed on the Minister for Education.

The Speaker (Mr. Slade): In reference to this question, I must remind hon. Members that every hon. Member is responsible for the accuracy of facts he brings before this House. That applies just as much to facts implied by a question as to any other allegation of fact. It is very wrong of hon. Members to bring questions based on allegations of fact which they know to be false or they do not know to be true. I would ask hon. Members to be more careful in regard to their questions.

The Attorney-General (Mr. Njonjo): On a point of order, I was just wondering, Mr. Speaker, in view of what you have said. This is a glaring example where the hon. Member, Mr. Kebaso, was not sure of his facts. Could he not be asked to withdraw, or at least give an assurance that his facts were wrong?

The Speaker (Mr. Slade): I thought in his second question, he was prepared to accept the Minister's denial of what he had alleged, so I do not think any further withdrawal is necessary, but I do hope this sort of thing is not going to happen too often.

Mr. Omweri: On a point of order, Mr. Speaker, arising from your ruling about facts and Members bringing questions which do not contain clear facts, what power do we have to make the Ministers comply with the same ruling? According to the Minister's answer regarding Gekano School, that only two tenders were submitted, there was a letter from the provincial office, I did not read this letter, Mr. Speaker, what required five contractors—

The Speaker (Mr. Slade): Mr. Omweri, if you are suggesting that the Minister in his turn gave some untrue statement of fact to the House, then you know the way of dealing with that. I have described to hon. Members many ways. It is not by starting to argue in this House. You should talk to him outside, and if he acknowledges that it is untrue, he comes and corrects it in this House. If he does not acknowledge that it is untrue, you have to set about somehow trying to prove it to him. It is no good having a dispute as to fact in this House, because we cannot sit here as a jury and judges of fact.

Mr. Kebaso: On a point of order, Mr. Speaker, Sir, I stand strongly to protest about the remarks made by the hon. Attorney-General. If the Minister for Education has accepted that Geoffrey Kamau was building Gekano and other places in Kisii, what was wrong with what I said?

The Speaker (Mr. Slade): Order! Order! No, Mr. Kebaso, it is no good trying to excuse yourself. Your question said, "Why was the contract of putting up buildings in all aided schools in Gusii given to one Geoffrey Kamau . . .". You have a clear reputation of your allegation. It is no good complaining of that refutation or criticism now of what you did. I hope you will remember this for next time.

Next question.

Question No. 191

GEOGRAPHY SYLLABUS FOR SECONDARY SCHOOLS

Mr. Nyaberi asked the Minister for Education if he was preparing a new syllabus of geography subjects for classes I to VI to study local geography, instead of studying the old lands of Europe and the new lands of America which was too hard for the youngsters of the Republic.

The Minister for Education (Dr. Kiano): Mr. Speaker, Sir, I beg to reply. Yes, Sir, my Ministry is already working on an improved geography syllabus for primary schools. In this new syllabus, a lot more local geography will be included. However, children should also learn about other countries, even at primary school level.

Mr. Nyaberi: Mr. Speaker, Sir, now that it has been proved that the teachers and pupils were using the wrong books, will the Minister take the matter up, because it is only the publishers who have received a lot of money since it has been proved that there were the wrong books? Will the Minister now take the matter up, so that he bans these books?

Dr. Kiano: No, Sir, because during the period since we have been independent, we have been modifying our curriculum, but if we were to ban all books today which are used, we would be left with very little because our local writers and my curriculum research and development centre cannot produce enough books suddenly. However, we shall do the necessary work as fast as possible to have proper and more up-to-date books in our schools.

Mr. Odero-Sar: Mr. Speaker, Sir, which books is the Ministry recommending to start with from now in the schools instead of the old lands and the new lands of America?

Dr. Kiano: Mr. Speaker, Sir, the question of curriculum revision and correction is not just for geography alone; we are doing the same for other subjects as well. If the hon. Member would like to know the list of the newly-accepted books, it is rather long and I could not really give it to the House now, but I could send him a letter.

Question No. 155

APPOINTMENT OF JURORS INSTEAD OF ASSESSORS

Mr. Karungaru asked the Attorney-General—

- (a) when the Government would amend the present Act which empowered the courts to appoint assessors instead of jurors to assist the judges in criminal cases;
- (b) when he would increase the allowance which assessors received each day of Sh. 7.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to reply. There is no intention of re-introducing the jury system in this country. I do not think the hon. Members, but there was strong agitation for the abolition of the jury system in this country about four years ago, and those who understand the working of the jury system as against assessors will know the jury system is not suitable for our country and our society.

Secondly, the assessors gives a service and does not receive a payment. He is assisting the court in the administration of justice. Assessors are paid out-of-pocket expenses, and I am sure those who work as assessors recognize it is sufficient.

Mr. Karungaru: Arising from that reply, Mr. Speaker, is the Attorney-General not aware that if a person works as an assessor, he is bound to remain in the court, and he is also bound to excuse himself from his other office where he works, and therefore he should be accorded the same amount of payment that he earns at the place of his employment, rather than receiving only Sh. 7, fully knowing that perhaps he earns Sh. 50 per day? What right exists only to pay him Sh. 7?

Mr. C. Njonjo: Mr. Speaker, people who are called upon to do assessors' work are either people who have been retired as Government officers—and I might mention here that Members of Parliament are not called upon to do assessors' work—

Mr. Karungaru: On a point of order—

The Speaker (Mr. Slade): Point of order, Mr. Karungaru.

Mr. Karungaru: Point of information—

The Speaker (Mr. Slade): A point of order is quite a different thing from a point of information.

Mr. C. Njonjo: Members of Parliament and civil servants, and indeed doctors and lawyers are exempt from doing this type of work. The people who are called upon to do assessors' work are either ex-chiefs or old senior civil servants—

Hon. Members: No, no.

Mr. C. Njonjo: There is a list, Mr. Speaker. I am not just guessing. There is a list of people who are called upon to do this type of work.

Mr. Chirchir: Mr. Speaker, Sir, is the Attorney-General aware that the Sh. 7 the assessors are paid is not sufficient for them even to have lunch or supper? Is he aware of that?

Mr. C. Njonjo: Mr. Speaker, I said that people who are called upon to do assessors' work are paid out-of-pocket expenses. If they come by bus, train or air, their fares are paid for, and the court is entitled, if it thinks an assessor has incurred more expenses, to order that he be paid more. I have had no complaints from people who serve as assessors—

An hon. Member: They would not dare.

Mr. C. Njonjo: —and honestly I do not know where the hon. Member has got this information. If he can tell me which assessor is complaining that he is out of pocket, I am prepared to consider it.

Mr. Mathenge: Mr. Speaker, Sir, as a matter of principle, why should the selection of assessors be restricted to ex-civil servants, ex-chiefs? Does this serve the purpose of having assessors in court? Why cannot any citizen, who would do his best in assessing a case, be considered?

Mr. C. Njonjo: This, Mr. Speaker, is precisely the point. If we were to call on Mr. Karungaru to do assessors' work, we would be told that we were wasting the time of Members of Parliament. If we included in the assessors' list doctors, lawyers or teachers, we would be told that we were calling upon people who had other duties to perform. The people who are doing assessors' work, by and large, are people who are not employed. If they are employed, I submit seriously, their employers will not deduct the allowance he should receive on that day. On top of that, on top of his salary, he will get Sh. 7, or whatever the court orders.

Mr. Lubembe: Mr. Speaker, arising from the Attorney-General's answer, since it is a principle that we have to do justice, it means we have to have the proper people who will exercise good judgment, so would the Attorney-General agree with me that by giving these people Sh. 7 per day, he is denying whoever is charged the right to be tried by proper assessors who would give out the best justice, since he has people who are only able to earn Sh. 7?

Mr. C. Njonjo: Mr. Speaker, Sir, assessors are not called upon by the accused person and the hon. Senator knows that very well because he has been a court clerk.

Mr. Lubembe: On a point of order, Mr. Speaker, Sir, I must first of all be allowed to repeat what I said: I did not say that they are called by the assessors, I said, "will we not"—

The Speaker (Mr. Slade): Order! No, you cannot be allowed to repeat what you said as a point of order, though you might be invited to do so; that is another matter. You had not finished, I think, Mr. Njonjo.

Mr. C. Njonjo: If my friend would have waited, I am not disagreeing with him, what I am saying is that the court has a roll of assessors numbering about 100 or 200. When a case comes up—and this only comes up on capital cases when a person is charged with murder and no other time, that is the only time assessors are used, when we have a capital case—the court calls, say, fifty people and the accused person is entitled to choose his own people. He is free to say that he does not want that person, that person and that person, he makes his own choice.

Now, Mr. Speaker, Sir, if we are being asked to introduce salaries in this matter—

Hon. Members: Not salaries, allowances; they are too low.

Mr. C. Njonjo: Mr. Speaker, Sir, I submit that the amount being paid today to the gentlemen who do this kind of work is reasonable for this type of work.

The Speaker (Mr. Slade): We will go on now. I remind hon. Members that on the adjournment today, Mr. Godia is to raise the matter appearing on the Order Paper

POINT OF ORDER

TAKING OF A DIVISION IN ABSENCE OF QUORUM

Mr. J. K. arap Soi: On a point of order, Mr. Speaker, Sir, on Friday last week, we had a Division in this House regarding an amendment to the prices of agricultural produce by the hon. Mr. Khaoya and it has come to my notice that we did not have a Quorum, in other words, we had the 16 Ayes, 10 Noes and three abstentions. I wonder whether this can be taken as a resolution of this House because we did not have the Quorum.

The Speaker (Mr. Slade): I find it a little hard to hear Mr. arap Soi from there, but I think you are suggesting that when we had a Division on a Private Member's Motion last Friday, there was no Quorum. I was a little worried about it myself, but I think there was a Quorum because I counted the Members in the Chamber before we went into Division and I made it exactly 30. It is true enough that when the Ayes and Noes and the

[The Speaker]

Members recorded as abstentions were added up, it only came to 29. I think there must have been some fault in the recording, rather than in my counting of the number of Members in the Chamber. I therefore think we can accept that there was a Quorum.

Mr. arap Soi: Yes, Sir.

Mr. Mathenge: On a point of order, Mr. Speaker, Sir, I would like to be clear on that point. Under the Standing Orders, if no hon. Member rises to point out that there is no Quorum, it is assumed that there is a Quorum even if the number is less than 30; would that not be the case then, that is, even if there was a Division, it was a Quorum because nobody raised the question.

The Speaker (Mr. Slade): No, Mr. Mathenge, what you say is applicable to all ordinary proceedings of the House. The Speaker, takes no notice of the lack of Quorum unless some hon. Member actually objects that there is no Quorum. As regards Division, however, it is expressly laid down by Standing Orders that if, at the time of a Division, after closing the doors, the Speaker sees that there is no Quorum, he must then adjourn the Division till another day. It is a special provision with regard to Divisions. As I said, I think on that occasion we were all right, even if, from the final tally, it may look as if we were wrong.

BILLS

Second Reading

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL

(The Attorney-General on 9th June 1969)

(Resumption of debate interrupted on 9th June 1969)

The Speaker (Mr. Slade): Mr. Shikuku was speaking.

Mr. Shikuku: Mr. Speaker, Sir, I had drawn your attention to this provision on the Administration Police Act, Chapter 85, Section 4 (3), which reads: "Replace 'a magistrate' with an administrative officer". Here Mr. Speaker, Sir, I intend to bring an amendment during Committee Stage so that we should leave that law as it stands. I do not see any reasonable reason why we should change it.

Now, Mr. Speaker, Sir, when I touch on this Criminal Procedure Code on page 23, Chapter 75—and I have been reading it—you can see that we agreed in the past that it should be 16 years for somebody who fiddles about with any girl

to be found guilty or not guilty; but now the Attorney-General has reduced it from 16 to 14. No reasonable reason was advanced by him as to why he thinks our girls are grown up at 14. I do not know which doctor he consulted and whether nature has changed within the short period I have been in this National Assembly—I do not know. All these questions have not been answered by the Attorney-General at all.

The Attorney-General (Mr. Njonjo): We have changed it.

Mr. Shikuku: Mr. Speaker, Sir, he says we have changed it, but I do not know when we changed it. I would be glad if he would tell us who changed it, when he changed it, and for what reasons, because as far as I know, we have not changed anything as yet. I always sit on this seat of Butere from 2.30 to 7 p.m. and I do not know when and where this was changed—was it in the kitchen or somewhere in the bush?

The Attorney-General (Mr. Njonjo): Outside you.

Mr. Shikuku: Now, Mr. Speaker, Sir, if he said outside me, then he should be inside me in this House. I object very strongly, Mr. Speaker, Sir, to allowing this age to go below 16. As a matter of fact I would have preferred that it goes as far as 18, 20 and even 21. I also intend to bring an amendment to curb the Attorney-General's eagerness because in the end he will tell us that a girl of 12 will be considered to be mature. This is a very dangerous proposal and particularly, Mr. Speaker, Sir, a bachelor like him to go so far. We might as well doubt his sincerity. This is something which if we leave unchallenged in this House, we shall be failing in our duties.

Now, Sir, having said that—I am moving on pretty fast because I would like to give other Members a chance to say something about this Bill—I am now calling your attention to page 27 of the Bill, Chapter 406 where I find that it is in terms of five, the Attorney-General is increasing the figure five to seven years without reasonable reason being given. When you read the chapter, Mr. Speaker, Sir, you will find that the Minister has the power, again, to increase the period by two years. If we make it seven years, it will be about nine years because the Minister has the power to extend the period by two years; so, I do not see any reason for this. I think the figure five should remain so that the Minister can use his discretion at times and move it to seven years by adding two years. I therefore do not see any reasonable reason for having that increased from five to seven years.

[Mr. Shikuku]

The other thing, Mr. Speaker, Sir, is about the estate duty. Personally, Mr. Speaker, Sir, I must confess that I have never paid great attention to this estate duties business. Now, whether this is within the African Socialism or outside is the question I would like to find out from the Attorney-General. However, if it is the question of paying estate duty taxes, as I have read in Chapter 483, this should only apply to people in high-income brackets; but apparently this is not so since it applies to everybody. That is why, no wonder, Sir, I have met a lot of my constituents who say: "Well, my husband was working for railways, was working for the Government, and so forth, and since he died we have not been able to get even a single cent". By the time you get the single cent, after such a long period, it is so much reduced because of this tax.

The Speaker (Mr. Slade): You must speak on the subject of the amendment, Mr. Shikuku.

Mr. Shikuku: Yes Sir, I am on the subject of the amendment because I am referring to Estate Duty, Chapter 483, and—

The Speaker (Mr. Slade): What you must refer to is not merely Estate Duty, but this particular amendment to the Estate Duty Act proposed here and that is all.

Mr. Shikuku: I am just coming to it because—

The Speaker (Mr. Slade): Well, come to it.

Mr. Shikuku: I am coming to it because in this section which they are amending here, they say that this section shall not apply to Mzee Jomo Kenyatta as President and Commander in Chief of the Armed Forces of the Republic of Kenya. That is why I say that the Estate Duty Act, as such, I do not agree with, and also I am of the opinion that the President of the Republic should enjoy this privilege and should be exempted from this. It is not stated whether the future Presidents too, shall enjoy the same privilege, because here it specifically states "Mzee Jomo Kenyatta", and we know there will never be another Mzee Jomo Kenyatta. I do not object to the idea of his enjoying this exemption because I would like him to enjoy it so long as he is in the chair no one can sue him in court, and this is quite all right and I have no objection to it. However, it is specifically stated that it is him and that he is the first but there will never be another first who will enjoy being exempted from this. I think it is wrong. It should be the principle that the present President of the Republic of Kenya, and those who will hold that position in the future should be

exempted from this, rather than specifically stating that only His Excellency Mzee Jomo Kenyatta as this is supposed to be the law of the land.

The most important thing is that it is the law of the land and not the law of Shikuku, or the law of Nyaberi, or the law of anyone else, it is the law of the land, and so we should go by the principle. It should be that the present President of this country, and the future Presidents of this country, shall be exempted from this. Any President should be exempted. I think the amendment should be: "His Excellency Mzee Jomo Kenyatta, the first President, and other Presidents will be exempted from this rule of the land". We do not know whether the other Presidents will be *wazees* too, but they will be Presidents whether they are *wazee* or not.

Now, Sir, having made that remark I am of the opinion that some of these things we have heard here, which have been brought to us for amendment, are not sufficiently important to deserve introduction in this House. I am now drawing your attention, Mr. Speaker, to Section 67 (1) and I will read you what has been amended:—

"Notwithstanding the provisions of any other written law, where a person, who has attained the apparent age of eighteen years but has not attained the apparent age of twenty-one years, is convicted of an offence not punishable with death, the court may sentence such person to corrective training in a youth corrective training centre for a period of four months."

Mr. Speaker, I agree with this and I congratulate the Attorney-General who said that these people should be given training instead of being put together with the other thugs. Now, as regards the four months' period, Sir, the amendment which the Attorney-General is moving states that they will be going in for training, but he does not specify the period. If my memory serves me right, I know he did not specify the period; but in the amendments it is specified as a four months' training. In what the Attorney-General is amending here, Section 67, he does not state the period during which these young men and women would be given the training.

The Attorney-General (Mr. Njonjo): Are you referring to Borstal now?

Mr. Shikuku: Yes.

The Attorney-General (Mr. Njonjo): The court will make the order.

Mr. Shikuku: Mr. Speaker, I am told that the court will make the order, but I think it should be within our reach to suggest a period. Four months in the old law is not enough and the

[Mr. Shikuku]

judges can decide for how long a youth can stay in this training in the Borstal schools to learn something. I think we should give them a general period, and personally I feel a year is enough, or at least it is a period which is quite reasonable and within which somebody can be given helpful lessons. Four months is not enough because there are some people with not very bright brains who will need a longer time. I think it is for the good of the youth that we extend this for a longer period so that they can be taught a lesson and turned into people who are useful to the society. Four months, or a period of six months, are not enough.

The Attorney-General (Mr. Njonjo): Which section is this?

Mr. Shikuku: This is Section 67 (1) which is being amended and here in the amendment you do not state the date, and you say that the court will do that. I am suggesting, Mr. Speaker, that the judges should give these youths something like a year or over, so that they stay in these Borstal schools and come out as useful specimens of humanity to help this nation.

Now, Sir, having said that, I am coming to the last point on this Bill, and that is about the amendment by the Attorney-General, which I have been looking at, where he is requesting the House to approve this death penalty for these thieves who steal with violence. This is quite all right theoretically, but as much as I denounce the thieves in this country, and as much as I support the idea that they must be eliminated—and by all means they should be eliminated because they are a menace to the society—I feel we must be a bit cautious here, Mr. Speaker. I know many people feel very strongly about this because many people have been robbed and they believe that everybody should work to get whatever he wants to get. However, when we talk in terms of the death penalty, it is quite in order, but the thieves are not fools and, as a matter of fact, many of them are quite smart, if not smarter than some of us in this House.

An hon. Member: Do you support them?

Mr. Shikuku: One Member is asking me if I support them; if he had been listening, he would have known that I do not. I denounce them and I shall continue to denounce them. The point is this, if we institute the death penalty, those thieves who go robbing with violence will also institute methods whereby you will not be able to give any evidence or prove that they are the ones who stole from you using violent means. They will *chinja* everybody in the area or in that particular

house to make sure that nobody will come up to give evidence against them. It is normal when you go to the courts you have to produce evidence, and if you arrest him without evidence he will be acquitted by the court. If we institute the death penalty, they will also institute the death penalty to all the people in the area where they rob and there will be no evidence. Of course, we know that is what we do not like because nobody will be able to speak.

We may end up by finding these people becoming too smart for us. I recall the Attorney-General's speech the other day in this House when he said he did not agree very much with the question of the death penalty, but I think that now, because of the robberies which have been going on, and taking into account the serious view His Excellency the President of this Republic has taken in connexion with this thieving, he has brought this. This being the legislature, I am not opposing the idea of hanging these guys, but I am taking into account the effects of that hanging. Before you hang such a person you must have evidence, and I am wondering how we will get evidence because the thief will kill those who will possibly give us evidence. If that is the case, then I must think again and say that we should imprison these fellows for life. I suggested the other day—and I was told that it was good but it was not human—that we have their hands cut off; say the right-hand side is cut off the first time and then the second time we have the other one cut off, and then they end up somewhere like Mji wa Huruma in Nairobi where they will be a liability to the society because they can do nothing there with those remaining pieces of their hands and so they have to be fed.

Therefore, I am of the opinion, Mr. Speaker, that while debating this drastic measure with all reasonable reason that it should be implemented, we should take into account seriously the evidence part of it because the thieves will murder everybody. May I suggest that these particular people should be sent in for, let us say, 50 years' imprisonment. The sentence should be increased so that we keep them there and make them work so that they work so hard in the prison—and there will be no question of eating meat four times a day because they live on vegetables there—for the rest of their lives. If somebody is caught at the age of 30, and is put in for 50 years, it is just the same as sentencing him to death. They should stay there and the public will be quite at home. If we have got to hang him, he is going to hang others to make sure that he is not hanged himself. Therefore, we should increase the sentence rather than hang them because we shall be the losers in the long run.

[Mr. Shikuku]

Another thing, Mr. Speaker, in view of the fact that some of the thieves now, as I have read in the newspapers, are already confessing in response to the call by Mzee Jomo Kenyatta, and they are saying, "I am giving up, here I am and I would like to confess that I have been a notorious thief operating in such-and-such a corner and now I have decided to make up my mind to live as a good citizen", and then they get some *shambas*—I think this appeal is succeeding. However, I do not know how far those thieves in Butere have taken advantage of this. I think it will be in the interest of all the Members here, that I should call on the chiefs in Butere and ask them to call a meeting for all the thieves there and tell them that they will get bits of land like those who are surrendering in the Central Province. I know there were some in Central Province and in Mombasa, there were some people—but, of course, most of them will come from Central Province. These bad ones are around here and those of us at home can only afford to steal a blanket or a plate; but those here, in Central Province, are really quite smart.

Mr. Mbogoh: On a point of order, Mr. Speaker, many times in this House I think you have ruled that it is offensive to utter words which might be detrimental to the good relationship existing between the tribes of this country. Now the hon. Member speaking seems to single out a province and he pretends that this is where all the thieves come from, and in that case it is likely to offend quite a big majority of the people concerned. Do you think, Mr. Speaker, it is in order to do that when, for example, Central Province caters for nearly half of Kenya's population? Do you not think that he should not do that?

The Speaker (Mr. Slade): No. Sometimes, in the course of his duty, an hon. Member cannot help saying things which may hurt other people with reference to tribes or otherwise, but gratuitous attacks on a complete tribe, or complete community, I have said very many times is completely out of order. This seems to be quite gratuitous and I think you must withdraw it, Mr. Shikuku.

Mr. Shikuku: Mr. Speaker, Sir, I would like to withdraw it if I have mentioned any tribe in the Central Province. Central Province is made up of the Masai, Abaluhya, Luo—all the tribes are here. I did not specifically point out the Kikuyu for example. I said people from the Central Province, and I can substantiate that.

The Speaker (Mr. Slade): Central Province is pretty well confined to one tribe, is it not? Please

withdraw it. I do not think you have any case, so please withdraw it.

Mr. Shikuku: If I was implying a tribe I will withdraw it, but—

The Speaker (Mr. Slade): Carry on.

Mr. Shikuku: I will withdraw and leave it as it stands. I am of the opinion, Mr. Speaker—just for the debate my hon. friend has scored a point. May I ask one question, Sir? If I am of the opinion that I am in a position to substantiate, would I be in order to do so, Sir?

The Speaker (Mr. Slade): What exactly do you want to substantiate, if you really insist on doing this?

Mr. Shikuku: It is about the amount of theft which is going on. There is very little, I am comparing—

The Speaker (Mr. Slade): Before you try to substantiate that it belongs to a particular province or tribe, can you show it is relevant to the matter we are discussing?

Mr. Mbogoh: It is irrelevant.

The Speaker (Mr. Slade): If it is irrelevant, I would leave it alone.

Mr. Shikuku: All right, Mr. Speaker, I will. My friend here seems to be emerging as a small speaker.

Now, Sir, having said that, I feel we should leave this question of hanging and concentrate on increasing sentences because hanging will be detrimental in the long run.

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

Mr. Mwithaga: Mr. Speaker, Sir, much has been said about this Bill but I have just a few points which I would like to advance.

Page 22 of the Penal Code (Cap. 63) section 52, subsection 389 and 390, deals with attempts to commit offences. Mr. Speaker, Sir, I have argued before, in this House, that punishing a person just because he is deemed, or has been deemed to have attempted to commit an offence, and sending him to jail for seven years, which I see here, "a period not exceeding seven years", I believe this is very unfair. I was of the opinion that the Attorney-General would have seen sense and listened to our arguments, in previous debates, about periods during which a person is to serve a sentence in jail, and for a given crime.

This, Mr. Speaker, Sir, is referring to attempting to commit a felony, or a misdemeanour. My argument here is on the period, which is seven years, and I hope the Attorney-General, who is

[Mr. Mwithaga]

not here—I do not know who is going to listen for him because there are no Ministers, nobody at all. Mr. Speaker, Sir, this is terrible.

Am I in order, Mr. Speaker, to move the adjournment of this debate until the Ministers are in this House? It is no use us talking to the empty Front Benches.

The Speaker (Mr. Slade): I think it is only necessary to have one Minister here, that is to say the Attorney-General, for this particular debate. But I agree it is rather fruitless to debate it very long in his absence. Sometimes necessity, such as the demands of nature, enforce temporary absence, but if the absence continues very long I could not stop you from moving the adjournment of the debate.

QUORUM

Mr. Tuwei: On a point of order, Mr. Speaker, I do not think there is any quorum in the House at the moment.

The Speaker (Mr. Slade): That is so, Mr. Tuwei; but unless you actually object to the lack of quorum we will continue. If you object to the lack of quorum, then I will take the usual steps. Do you actually object?

Mr. Tuwei: I do object to there being no quorum in the House, Mr. Speaker.

The Speaker (Mr. Slade): Ring the Division Bell.

(The Division Bell was rung)

Mr. Mbogoh: On a point of order, Mr. Speaker—

The Speaker (Mr. Slade): We do not usually take points of order when we are waiting for a quorum. What is yours, Mr. Mbogoh?

Mr. Mbogoh: Could I have the House for myself and address those who are present without the Speaker listening?

The Speaker (Mr. Slade): There is nothing to stop you having a private conversation with one or two of them, but it will not be recorded in HANSARD.

We now have a quorum, please continue, Mr. Mwithaga.

Mr. Mbogoh: On a point of order, Mr. Speaker, I have two points of order at the same time. The first one is very simple.

In this House we know very well that at about four o'clock tea is served in the lounge, and in many cases hon. Members go for tea; would it not be more courteous to ignore a point of order concerning a quorum in case people are taking

their tea? We know there might be some hon. Members who are very interested in coming back. If that fails, then we can have a five-minute break for tea.

My second point of order—

The Speaker (Mr. Slade): I think I had better deal with one at a time.

So far as that point goes, it is written in the Constitution that if an hon. Member objects to there being no quorum, then the Speaker has to take certain specified action. There is no way round that at all. If hon. Members feel they should not object during any particular period, then it is up to them; it is up to them and cannot be insisted on as a point of order.

With regards to the alternative, as to some sort of adjournment for tea, that would involve an amendment of the Standing Orders which could be achieved by a suitable Motion for that purpose. You have another point of order?

Mr. Mbogoh: My other point of order, Mr. Speaker, is when there is, let us say, a point of order like that one, when an hon. Member feels there are no Ministers or anybody to listen to their speech, is there anything—since it is a point of order that is being observed—to prevent the Speaker from ruling that somebody can continue talking on something else which is not on the Order Paper, since the point of order at issue is lack of quorum. During the lack of quorum, can somebody speak on something else which is of interest to himself and to those Members left in the House?

The Speaker (Mr. Slade): I am afraid it is rather hard to follow Mr. Mbogoh. If you are suggesting that any proceedings can continue after a Member has objected to a lack of quorum and before the quorum is recovered, the answer is “no”. One way of dealing with the previous point Mr. Mbogoh made is the way I remember one hon. Member dealing with it some time ago. He used to rise deliberately at 4 p.m., because he knew that hon. Members were not very much interested in listening to him, and said, “I am standing now in order that hon. Members may go and have their cup of tea”.

(Resumption of debate)

Mr. Mwithaga: Mr. Speaker, Sir, I know all that was troubling the hon. Member was tea and he is now going.

Mr. Speaker, I was trying to advance a point, in the absence of the Attorney-General, and I am glad he has come back and I hope he is now going to sit here and listen— Oh, he has started going out again.

[Mr. Mwithaga]

Mr. Speaker, Sir, I was saying that understanding the subsection being amended, I do not see any reason for establishing here, or trying to stipulate, that the period should be seven years' jail. My appeal, Mr. Speaker, Sir, and it has been my appeal before in this House, is that we should try to find out exactly what kind of crime deserves a longer period in jail. The reasons should be shown because if that person needs a long period for reformation, or if he might be dangerous, if he was only imprisoned for a short period only— If those reasons cannot be shown clearly, Mr. Speaker, I do not believe, and will not be made to believe, that long periods of imprisonment are reformatory at all, especially when an offence is a mere attempt.

Mr. Speaker, Sir, when a felony is committed, and proved in a court of law, then there is no argument. The question of attempt leaves a lot to be desired because you can never tell whether the attempt can really be established as being a true crime. Therefore, Mr. Speaker, Sir, it is my hope that the Attorney-General will see sense and reduce the period from at least seven years to five years. Although he shows that a person being sent to jail for seven years, or half the period he was going to serve is a person who has been attempting to commit a felony or a misdemeanour, that is understood. However, it should be specified here, Mr. Speaker, Sir, when we are going to legislate clauses and punishments which are really useful for reformation purposes.

Now, Mr. Speaker, Sir, the other thing is about the Criminal Procedure Code, Section 186. Without trying to repeat what my hon. friend said yesterday about changing years from 16 to 14, because it says, "Replace '16' with '14'." Mr. Speaker, Sir, as usual, we may find this Bill inadequate and blame the Attorney-General for not having taken note of all that has been said here, not having considered the advice given by hon. Members. So, the whole thing remains as it is here, as he wanted it. Mr. Speaker, Sir, in a situation like this one, Members find it difficult, even if they had very important points to advance. I feel that in reducing 16 years to 14, here the Attorney-General would be contradicting his usual statements in this House about women, in that he has been a self-styled champion on women affairs and now he is trying to increase the number of that womanhood by legislating that 14 years will entitle these young girls to be treated as grown-ups. Now, Mr. Speaker, Sir, I hope the Attorney-General does not quarrel because he is a self-styled representative of women. Mr. Speaker, Sir, I believe that reducing the period of years from 16 to 14 is wrong, and some of these things need consultation. He should have

consulted the National Council of Women, or the so-called *Maendeleo ya Wanawake*. He should have consulted all these women organizations because they normally invite him to address them. I do not know in what capacity he addresses them, whether it is in the capacity as the Attorney-General, or in the capacity as a man, or in the capacity as their representative, I do not know in what capacity. However, he should, Mr. Speaker, Sir, be consulting some of these organizations so that they can also give him their feelings based on experience. A champion on women affairs is a woman herself, and she knows the maturity age of the young girls more than a man can say. In fact, even the doctors find it, in most cases, difficult to say because some girls may reach maturity much earlier. However, even psychologically, treating a girl of 14 as a mature girl is wrong. Mr. Speaker, Sir, I think I am more experienced than the Attorney-General on this aspect because I am a social worker and I know where the problem lies. The Attorney-General is only concerned about the essence of the law, but I am concerned about both the essence of the law and the social aspect of it. Now, Mr. Speaker, Sir, this should be amended to go back to 16. Reducing it further would create a tendency in these girls to grow into prostitutes and exceed the number we have now which is highly multiple.

Mr. Speaker, Sir, most of the girls roaming in the streets of Nairobi, are very young and legislating 14 years as the age of maturity would enable them to contest this even if it was in a court. They are mature, they are grown-up and you cannot harass them anyhow, not even by using the Vagrancy Act.

Mr. Lubembe: What do you want?

Mr. Mwithaga: Mr. Speaker, Sir, what I want is the Attorney-General to go back, to this amendment, and delete the section as it stands right now. The problem of the hon. Lubembe is not my problem.

Mr. Speaker, Sir, the other thing is the Evidence Act, section 47. It says "Proof of guilt". When I read this section, I concluded that, as usual, we are made to believe, and we make other people believe, that the common man in the countryside understands the law. Mr. Speaker, Sir, I would like to add here that we have the law implemented by forces of the law on the people who are ignorant of some of the consequences contained in some of the provisions of our law. Now, Mr. Speaker, Sir, here, in "Proof of guilt" they say, if a person fails to appeal during the period provided in the law, that alone is taken conclusively as proving him guilty. Mr. Speaker, I have seen

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cases where a person is told, "All right, you have fourteen days' period within which you can appeal". However, what becomes difficult in most cases is that these people are remanded, and during the period of remand, until they are able to appeal within the fourteen days allowed to them within which to appeal. However, it is the facilities which are available—and I have seen this from personal experience when I was a prisoner. Mr. Speaker, Sir, in most cases, facilities are very scarce. Now, before a person can be proved guilty because he has failed, we should get the court, the judicial department, to instruct the magistrate to stress on these points of the period of appeal before a person leaves the court. In most cases, Mr. Speaker, Sir, a person is only told, "You have been sentenced for such-and-such a period of time", or perhaps he is fined and is told that he has a period of 14 days within which to appeal. Now, this must be explained to the person, exactly how he is going to do it. Either the police take the problem as their own, or the prosecution, the State Counsel or the magistrate explains this before the person leaves the court, so that if he or she does not appeal within such period, he or she will be fully conscious of the consequences of failing to do that. If this is not done, Mr. Speaker, Sir, and we take it for granted that they will understand just because we have a refuge in this law, it is wrong. It is high time we took the trouble to educate our people by all means available, establish some institutions like schools and others. When a person is told he is guilty of this or that crime, the magistrate should take some trouble to explain further some of these things in order that people know what the law requires them to do.

The other thing, Mr. Speaker, Sir, is the question of the Liquor Licensing Act, that is section 27, page 24. Now, Mr. Speaker, I agree with the subsection that immediately follows subsection two concerning renewal of licences. Here is the problem. A person who has been refused the renewal of the licence is told that he can pay a fee, he can take out the licence for the time he has appealed and continue to trade. Mr. Speaker, Sir, I have also seen cases in this connexion when once the police know—because most of the Liquor Licensing courts includes a police officer—immediately a person is refused the renewal of the licence, the police go and order the surrender of the current or existing licence. Once the original licence is taken away, the trader cannot operate. If that is surrendered, and he is told that the mere paying of fees required for the licence would enable him to continue to trade, then I think, Mr. Speaker, Sir, that it is embarrassing,

because if the court has decided to refuse the licence and the period of appeal is a short one, and one takes a licence for the whole year, and after that when the appeal is heard it fails, what will happen? The man has already taken his licence for the year—because normally they are one-year licences—and his appeal fails, what will then happen? Is that not an embarrassment? It is creating a deliberate embarrassment. Mr. Speaker, Sir, I think that point is of no use here. What should be done is that the original licence should be allowed to be extended to cover the period during which a person can appeal until that appeal is heard and is disposed of.

If that is put back, Mr. Speaker, Sir, then it is not going to be technical for the licensee to understand that all he will do is to extend the licence to that given period. But asking him to go and take another licence, the appropriate licence, would eventually mean him taking out a licence for the whole year, which is normally done.

I hope, Mr. Speaker, Sir, the Attorney-General who, again, is not here—My Lord!

Hon. Members: Why do you want him?

Mr. Mwithaga: Mr. Speaker, Sir, I must confess—for the information of the hon. Members—that I need the Attorney-General because the Speaker will not amend these clauses. It is the duty of the Attorney-General, he is paid for it. That is why he should sit here. In any case, let me talk to the empty benches.

An hon. Member: Inform the Attorney-General.

Mr. Mwithaga: Yes, he will be informed, I know. I hope hon. Gatuguta will do that because he is also a lawyer.

Mr. Speaker, there was this question of the Survey Act, Sec. 22—I hope the hon. Member will have a point when he starts talking—where they say, "Replace 'the Land Adjudication Act' with 'the Land Consolidation Act or the Land Adjudication Act 1968'."

Mr. Speaker, Sir, here the House might need your guidance because I remember we amended the Land Consolidation Act and in its place we took the Land Adjudication Act. Now the section that is included here says, "Replace 'the Land Adjudication Act, with 'the Land Consolidation Act or the Land Adjudication Act 1968'." Mr. Speaker, Sir, here we need an explanation and perhaps you might be able to give us some light. What does it actually imply? Does it imply that we go to the original Act which is the Land Consolidation Act, which is not effective at the moment?

The Speaker (Mr. Slade): I think, Mr. Mwithaga, that the explanation of this is that the original Land Adjudication Act was repealed and replaced by two Acts: the Land Consolidation Act, which dealt with the actual procedure of land consolidation, and the Land Adjudication Act 1968, which dealt with the actual allocation of ownership of land. So in actually referring to the original Land Adjudication Act, you have to substitute those two Acts to get the same results. I think it is purely formal.

Mr. Mwithaga: Thank you, Mr. Speaker, Sir. In fact, this was worrying me because to an extent I believe that the laws we make must not confuse the public, and especially land issues which are very sensitive, because this is where we normally find problems.

Mr. Speaker, Sir, I do not think that I have more to say apart from only one point on the registration of business names, Sir. The others are all nearly self-explanatory.

Mr. Speaker, Sir, section 17 (e) says, "which in the opinion of the Registrar is undesirable". I know one problem here is that most people who submit business names' applications to the Registrar, and if a name of a business is similar to the name of an already existing business, in most cases the Registrar does not register such business in that given name. But, Mr. Speaker, the problem here is that the Registrar might think that that kind of business name being used is undesirable, yet most of the names in use today signify the new era, the political situation and the African names which have not been in existence before. Moreover, the people do not know, Mr. Speaker, which names are actually existing in business, because these names are publicized in the Kenya Gazette and the people in the countryside do not seem to know. The Attorney-General and the Registrar of Companies should start using the press media so that people can know which names exist and those which do not exist. That will stop embarrassing the people who come out with new businesses because by the time one is told that one's business name has not been approved, and one is obliged to find another name, it will have costed him time and money. Mr. Speaker, Sir, some of the lawyers who help in registering some of these business names are obviously charging fees. The lawyer tells you that because that name has not been accepted by the Registrar—and the name is termed undesirable—the best thing for you to do is to find another name. People have to pay more money to the lawyer. In fact, we are encouraging more spending of money by our people for no reason of their own.

What should be done, Mr. Speaker, Sir, is to publish all the existing names in the local papers.

The Kenya Gazette is meant for the *élite*, the well-to-do and the official circles. How many people in the countryside buy the Kenya Gazette? Hardly any, Mr. Speaker.

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

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

This Gazette is not meant for the people in the countryside as the Attorney-General believes. The local papers should be used. If we cannot use the local papers, the office of the Registrar of Companies should normally print a special issue, in the form of a leaflet, which can be used by the people in the countryside. This will help in avoiding embarrassment and unnecessary expenditure of money by our people.

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

Mr. Lubembe: Mr. Deputy Speaker, Sir, there are a lot of amendments here and one cannot really speak on all because it will require a lot of work—

An hon. Member: Speak for the whole day.

Mr. Lubembe: Well there are some things are not necessary for my constituency.

Mr. Deputy Speaker, there is this question of filing appeals from the lower court to the High Court. Here it is stated that the period will be 30 days and will exclude certified judgment from the magistrate, from the day that it was prepared and so on. I have witnessed in many cases that when a conviction takes place, a person is convicted, the magistrate says that the person has 30 days or 14 days within which to appeal. I am wondering, Sir, whether there has been another law which could be used if there was a need for having the appeal period shortened or for helping somebody who felt he needed a longer time. I feel that this should be explained so that we know what normally happens, since the existing law does not contain anything on this question of certified judgment.

I feel that if there is this amendment there will be time for the application of the certified copies after it has been decided. This must be done because some lawyers want certified copies of the judgments and this costs a lot of money. It involves the expenditure of a lot of money for the appellant in a given case.

Mr. Deputy Speaker, it says here:—

"79G. Every appeal from a subordinate court to the High Court shall be filed within a period of thirty days from the date of the decree or order appealed against, excluding from such

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period any time which the lower court may certify as having been requisite for the preparation and delivery to the appellant of a copy of the decree or order”.

My submission here is that the Attorney-General should make arrangement with the Judiciary that once judgment is delivered the preparation of the certified copies should be arranged so that the lawyers do not charge too much money. The more money the lawyers demand to get this, the more the clients have to pay, and that appellant who is in difficulty will have to pay more when he cannot afford it. Therefore, we should assist and make it easier, so that the certified copies can be made ready as soon as application is made for them.

Coming to another point, we have this question of, “Replace ‘President’ with ‘Minister’ throughout”. This comes under the Asian Officers’ Family Pensions’ Act. I feel that this also needs some explanation where we have to replace “President” with “Minister”. It should be explained to us why the powers should be removed from the President and given to the Minister.

We now come to Chapter 234, the Trade Disputes Act, where it reads:—

“Immediately following the words, ‘This Act applies to trade disputes’, insert the words ‘in which’.”

I feel that the question of the Trades Disputes Act should not have come in this amendment. This should have been brought with the Trades Disputes Act itself so that other parts of that Act, which also require amendment, could also be discussed. If we amend this bit by bit, then it will be difficult to amend everything we may want to amend in that particular Act. Although this particular Bill deals with general amendments and the interpretation of certain laws in the country, I feel there are other laws which may require amendment.

I would like to support the Member for Butere on this question of Estate Duty where there is mention of His Excellency the President. In this, only the present President has been named here and, therefore there is no principle that is being followed. It is a question of trying to personalize the matter and make it a matter for the President only who is to be exempted. I do not think this will help very much from the point of view of publicity and the people who may support this Bill. Instead of naming our President, and mentioning his name, we should just say, “President” or “any President”. Whoever comes into power, we know, or whoever will be there in years to

come—maybe ten or 20 years— if he belongs to a party that has won, then he will have to get the same privilege. I support the argument that the Head of State should be above the law of the land because he has to see that the law is properly administered. When this applies to him, he can easily try to feel something else, but if he is above the law, then he has to see that everybody administers the law properly.

When it comes to the question of Estate Duty, I do not think we should mention the President’s name as we have done. We should leave it as “President” so that it is the principle that is accepted and we should not take it that it is His Excellency as a person. Now that we are mentioning his name, we are moving away from the principle and trying to say that it is no longer the principle but respect for our present President, which we all know he has from the people. The President has the respect of every single citizen; we know that he even enjoys the respect of those Members who hide in that little corner there, called by the name of KPU. They do respect His Excellency the—

Mr. Ondiek-Chillo: On a point of order, Mr. Deputy Speaker, is it respectful for a Member to say, “. . . those who are hiding in the corner”? Is that parliamentary language?

The Deputy Speaker (Dr. De Souza): I do not know. I think he was merely trying to say that that naming a particular person might seem, or might appear to give him a certain privilege. I think that is what he is saying, I do not know.

Anyway, I do not see anything unparliamentary there.

Mr. Lubembe: Sir, I did not really mean that the hon. Members of the KPU are hiding, I meant that they are sitting in the corner and there are very few of them and so nobody can see them clearly. That is what I meant.

Anyway, the hon. Member should realize that he is hiding alone there since there is nobody else in that part of the Chamber.

I now come to the question of the registration of societies. I do not want to appear to be jumping from here to there but want to mention something on this Act. I am glad the Attorney-General was corrected on this because in his speech he said things which were different to what is written here. I was happy that the hon. Mr. Wariithi corrected this, and I was also pleased that the Attorney-General accepted the correction because registering a name is a different thing from registering a company. Some are called companies, others are called corporations, and some of these

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corporations may be on an East African basis while others may not be. I am glad this has been corrected.

I want to ask the Attorney-General to get our laws amended; where the word "colony" still appears, this word should be deleted. I am sorry that this has come so late. I would like to say to the Attorney-General that, if he has difficulty as regards staff, he should re-fill that post of Solicitor-General so that we know who are the draftsmen there. Up till now we do not know who is responsible for the draftsmen. Where the words "Queen" and "colony" appear in any law, they should be deleted immediately. However, the point is that these words cannot be deleted unless the amendment has been brought to this House. Nobody can sit in the Attorney-General's Chambers and just delete these words. That is why I am asking the Attorney-General to bring the particular law—it may be the General Interpretation Act—in which these words "Queen" or "colony" appear to this House for amendment. We are now a sovereign state, we are part of the Commonwealth, and if we want we can gang up against the Commonwealth and expel Britain from the Commonwealth. We want to see that the question of colonies does not arise. Why I am saying this, Sir, is because of a recent experience. The whole of the central area is my constituency. One day I went to have a drink in a bar and met a British man who started talking to me. He said, "When I came to this colony . . .", and he was thinking that this place was still a colony. He was trying to tell me how he came to this colony. Instead he should have said, "When I came here . . .", or "When I came to Kenya . . .". This is because we still have some books which have this word "colony"; we still have laws in which this word "colony" appears. The sooner we remove this the better.

Coming to the question raised by hon. Mr. Wariithi, the question of the title "Queen's Counsel" I have to say this. I saw an argument in the paper the other day and there were some people defending it. We feel that this title of "Queen's Counsel" should be done away with and should not be used in Kenya. It was only the other day that the Attorney-General whispered to me that they were going to delete this title and were no longer going to use it. You cannot say that you have removed "Queen's Counsel" when the Queen's Counsels in Kenya are still charging the same fees as the Queen's Counsels charge in England. They charge something like 500 guineas, and this is exactly the same fee that is charged in England.

Mr. Khaoya: What is a guinea anyway?

Mr. Lubembe: A guinea is Sh. 21, so they pay more because a guinea is more than a pound.

The Deputy Speaker (Dr. De Souza): Order! Speak to the Bill.

Mr. Lubembe: Maybe, Sir, the guinea was never devalued.

I am trying to build up this particular point, Sir, and I am asking the Attorney-General again, and I did ask him this last year, whether he is trying his best to bring a proper title for Kenyans. We have some good lawyers in Kenya who have done good work and I do not think they should be called Queen's Counsels. If they continue to charge the same fees as the England Queen's Counsels charge, then it means that we have not removed this title from the Act.

I also feel that on this question of other titles which we do not have here—I mentioned this the other day, when I was speaking on another matter—the titles which have no relation with Kenya should be removed. I am saying this because here I am talking of removing the word "colony", the words "Queen's Counsel" and other such things. I thought the Attorney-General would have included all these titles in this Amendment Bill so that we could have them all removed now. We do not even have, in this country, a Lady So-and-so. You find such titles in England.

Mr. Gatuguta: On a point of order, Mr. Deputy Speaker, since there is a considerable amount of repetition on this Bill, I would like to move that the Mover be now called on to reply.

The Deputy Speaker (Dr. De Souza): No. I think this is a very important Bill. In fact it involves a number of different statutes. I think hon. Members must be allowed to discuss it further.

Mr. Lubembe: Mr. Deputy Speaker, Sir, I do not know why the hon. Member is trying to cut me off. He is my friend but today he appears to want to see that I do not speak any more on this good Bill. I am very sorry about this. I am sure the Attorney-General did not persuade him to do this.

An hon. Member: He is a doctor.

Mr. Lubembe: He is not a doctor, he is a lawyer.

Now I am lost, I do not know what points I was making, because of the hon. Member's unnecessary interruption.

I have already dealt with some of the questions which were causing difficulty. There is only one point which I would like the Attorney-General to deal with. I want an explanation here where it

[Mr. Lubembe]

says, "Replace 'Governor in Council of Ministers' with 'Minister'." I do not know about this question, whether the powers which the Governor in Council of Ministers used in repealing certain things or appointing commissions of inquiry have now been completely transferred to our Ministers so that they can decide on anything within their portfolios and then make an order which applies throughout the country.

Because my throat is not good, I will not say more. I do not want to be sick tomorrow.

I beg to support.

Mr. arap Biy: Mr. Deputy Speaker, Sir, I would also like to make a few points on this Bill. I shall begin with the Penal Code, Cap. 63, sub-section 389, as shown in the Bill. I would like to quote only a small part of it: "Any person who attempts to commit a felony . . ." We should understand that. "Any person who attempts to commit a felony . . ." We are living in the world of politics now. Kenya is governed politically, and anyone within the Government can accuse a political rival of having attempted to commit a felony. Therefore, that man can easily be accused of having done this. I would like to ask the Attorney-General, and generally the courts of law which are going to be in charge of the administration of justice, to make sure that anybody who is suspected—Anybody can be suspected of having done such-and-such a thing, and yet that person may not have done it. When such a man is taken to the court of law, he might not be able to protect himself fully, because a good number of our people today are not able, financially, to employ lawyers to defend them in the court of law. Therefore, they cannot fully defend themselves without the assistance of someone of that calibre. I would like to warn the Attorney-General very strongly about these parts, especially when we have political wrangles here and there. Tomorrow I might be suspected of having done something, and I will be in prison for three years; yet I never had any intention of committing the crime. I hope that is clear in the Attorney-General's mind.

Mr. Deputy Speaker, Sir, moving on to the Evidence Act, Cap. 80, 47A, I would like the Attorney-General to clarify this when he comes to reply. It reads: "A final judgment of a competent court in any criminal proceedings which declares any person to be guilty of a criminal offence shall . . .", and so on. I would like to ask the Attorney-General to explain to me and to the House whether there is any court in Kenya today which is classified as incompetent. If there is any court which is incompetent, then that court

should not be in existence. We should qualify all courts as competent, otherwise this should have been "high court".

Mr. Lubembe: You have councillors and Members of Parliament.

Mr. arap Biy: *Ngoja*, brother. Mr. Deputy Speaker, Sir, I am sorry that my hon. friend, the Member for Starehe, is trying to interfere with my trend of thought. I would request him to keep silent.

I do not think we are a court, as we are here. Our proceedings are different from those of a court of law. This is only the supreme authority where laws are made, but we cannot, when the hon. G. G. Kariuki has committed an offence, have him brought here and we charge and then sentence him to three or four years in jail. We cannot do that.

Mr. Khaoya: You have sentenced somebody for three days here. You know that.

Mr. arap Biy: Thank you for that information. Now you keep silent.

Mr. Deputy Speaker, I would request the Attorney-General—probably he will have to bring other amendments—to amend this to read "high court", instead of "competent court". All courts are competent.

An hon. Member: Are you sure?

Mr. arap Biy: Mr. Deputy Speaker, continuing, I would like to say a few words on the Liquor Licensing Act, section 27 (2). "If the renewal of a licence is refused and the licensee appeals under section 18 of this Act . . .", and so on, the Minister will have to decide on that appeal. Usually, appeals take so many days or months. How long will a poor man in the countryside have to wait, when his licence has been refused by, say, the district commissioner with his liquor licensing court? When they refuse to renew his licence, that gentleman has to appeal. The appeal will take, say, three months before the Minister has time to look into the appeal. Usually, Ministers in the political Government are bound to move out of their offices, and some of them tour overseas countries such as Britain, where their old friends are, and therefore they take a long time to come back. On this one, I would like to sound a note of warning to the Minister concerned.

An hon. Member: It is the Assistant Minister.

Mr. arap Biy: Usually, Assistant Ministers have no power to do it. They bring in somebody else, another Minister, to sit in the office, because the Assistant Ministers might not be—

An hon. Member: Trusted.

Mr. arap Biy: —all that competent, and therefore they are there but have no power.

Mr. Deputy Speaker, Sir, I do not want to dwell on that point, because I only wanted to bring it to the notice of the Ministry concerned.

Moving on, I would like to say a few words on the Prevention of Cruelty to Animals, Cap. 360, section 1A. Sir, this is a warning that once the Bill has been passed, these things will be very cruel to the people of this country. For example, when you are found with a trophy, either all or part of it, you are sent to the court of law. Usually, when there are big ceremonies in Parliament, or similar occasions elsewhere, you see Members of Parliament dressed in very queer clothes, such as animal skins. I am one of them. Probably the Minister for Tourism, or the Minister for Natural Resources for that matter, might interfere with my freedom of dressing, and therefore I will be committed to a court of law because of having that without a licence. Therefore, they should look into that.

Mr. Deputy Speaker, before I sit down, I would like to thank the Attorney-General for all the work he is doing, and I would like to appeal to him to bring more Statute Bills of this sort so that we can amend and bring up to date all the outdated laws which are not in keeping with the conditions of this country today. We are ashamed to see words such as "Colony" in our law books now. We are ashamed to see "His or Her Majesty"; we are ashamed to see many other queer colonial words. I hope the Attorney-General will look into this and will bring more Bills to the House amending these laws and bringing them up to date.

Mr. Deputy Speaker, before I sit down, I would like to make one more point.

An hon. Member: Continue.

Mr. Lubembe: Don't you sit down.

Mr. arap Biy: Yes, if you bring me a glass of beer— water, I will continue.

Mr. Khaoya: You are a Masai: You should take milk.

Mr. arap Biy: I am sorry, Mr. Deputy Speaker, if I said a glass of beer. I meant a glass of water. I think there is a very critical point here.

QUORUM

The Assistant Minister for Co-operatives and Social Services (Mr. Maisori-Itumbo): On a point of order, Mr. Deputy Speaker, in view of the fact that we are having so much repetition, and there is no quorum, I beg to call upon the Mover to reply.

The Deputy Speaker (Dr. De Souza): I will first see if there is a quorum. No, we do not have a quorum. Please ring the Division Bell.

Mr. Sijeyo: On a point of order, Mr. Deputy Speaker, the Assistant Minister indicated that there is no quorum in the House. If that is the case, why is he at the same time calling for the Mover to reply?

The Deputy Speaker (Dr. De Souza): We are dealing with the first point.

The Assistant Minister for Co-operatives and Social Services (Mr. Maisori-Itumbo): I moved the closure of the Bill, Mr. Deputy Speaker.

The Deputy Speaker (Dr. De Souza): I thought I heard you say that in fact there was no quorum.

The Assistant Minister for Co-operatives and Social Services (Mr. Maisori-Itumbo): I was moving the closure.

The Deputy Speaker (Dr. De Souza): We are now asking for a quorum.

(The Division Bell was rung)

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

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

The Speaker (Mr. Slade): We have a quorum now.

(Resumption of debate)

Mr. arap Biy: Mr. Speaker, Sir, I have nearly finished—

The Assistant Minister for Co-operatives and Social Services (Mr. Maisori-Itumbo): Mr. Speaker, Sir, may I move the closure of the debate on the Bill. The reason, Mr. Speaker, Sir, is that Members who have spoken have kept on repeating what has been said and also no new suggestions are being given. That is why I stood up for the closure.

The Speaker (Mr. Slade): Mr. Masori-Itumbo, I do not think I can quite agree with you. There has been a little repetition perhaps, but also each Member rising to his feet is making, some new points. This Bill does cover a great many statutory amendments, some of them indeed very small, some not so small. I do not think I ought to hurry the House over this. Perhaps we could consider the closure in another half-an-hour's time, but not before that.

Mr. arap Biy: My time was not finished, Mr. Speaker, Sir, and I do not see the reason why the Assistant Minister was panicking about this closure.

Mr. Speaker, Sir, I only wanted to mention about the Estate Duty Act, Cap. 483, section 72 and I quote: "This section shall not apply to

[Mr. arap Biy]

his Excellency, Mzee Jomo Kenyatta, First President and Commander-in-Chief of the Armed Forces of the Republic of Kenya." I am not against this section, Mr. Speaker, but I think the Attorney-General should have made it for the President, any President, but not to mention specifically—

The Speaker (Mr. Slade): That point has been made by at least two other Members. Is that all you want to say?

Mr. arap Biy: Mr. Speaker, Sir, thank you for your directive, but next time I hope things will be brought in the order which we want. Mr. Speaker, Sir, I had not spoken on that point, so I was making it my last point as far as this Bill is concerned.

With these few remarks, I beg to support.

Dr. De Souza: Mr. Speaker, Sir, I am grateful to you for giving me this opportunity to speak. I was not really intending to speak, but I think there were one or two points that I should make.

The first thing is that I think we should at last have come to an end with the Statute Law (Miscellaneous Amendments) Bill. We have been for the last five years trying to bring the Laws of our Kenya into line with an independent Kenya, and I did not think that it looked as it would ever finish. I suggest that we now have a committee that goes through all the laws and removes any anomalies like the word "colonies", or whatever it is, and once and for all bring these in incidental amendments to an end. Now, the danger, of course, of bringing such omnibus amendments is that sometimes we may pass amendments in Bills of which we are not fully conscious; something may slip by without having drawn our attention to the facts very clearly.

There are two or more points, Mr. Speaker, in this Bill, that I myself was advised to read very carefully, but the thing that worries me most is the part of the Bill which is not, in fact, in the Bill, namely the amendment the Government has given notice of, which is not in the Bill, which is that the Attorney-General is going to introduce the death penalty for robbery with violence, albeit with grievous bodily harm. Now, this is an amendment which is coming into this Bill which is not even printed, so it shows that it is obviously a very large last-minute decision which has not given most Members time to digest, consider, and reflect the consequences of it. I heard the Attorney-General, about three months ago in a very eloquent speech, telling us the dangers of introducing the death penalty for robbery with violence, and I must say he was eloquent, and so brilliant, and spoke with so much authority and

logic that I was fully convinced; in fact I was convinced even before he spoke, but I was even more convinced when he did speak. He told the House that it is a solution that they are driven to, and very easily driven to, that we should take very strong punishment, or strong action, against criminals by sending them to the gallows. However, he reminded us, quite rightly I think, that if a person is in danger of being hanged for having committed a particular offence, there will be a temptation, indeed almost an imperative duty on his part, to save his neck by killing all the people around that might be witnesses.

Now, I thought that the Bill that we have introduced the amendment to, introduces the capital punishment only in cases where there is robbery with violence and grievous bodily harm. For that qualification I think there is something for it, I think that he has taken some care. However, I still wonder if his arguments and logic are not still valid. Is it not still a point that if a man or a gang goes to rob a house, and if one of them, shall we say, slices somebody with a *panga* or cuts his head or something like that, causing grievous bodily harm, and there are about four or five persons in the house, might they not feel it their duty to protect themselves, to kill every single man, woman and child in that house because otherwise they will all be hanged, and compulsorily according to this?

This is something, Sir, I think we must consider very carefully because I repeat what the Attorney-General said last time, that it is a very easy and obvious reason to increase punishment. However, I think many penologists and persons who conducted research into punishment have found that increasing punishment time and again, while it eases the solution, in fact never has any effect. I can draw attention to the fact that it was only a few months ago when we increased the punishment for robbery with violence to 14 years, not less than 14 years and not more than 20 years. I do not think that has had any effect. All we do is to increase the amount of punishment. This time we say it is the death sentence, and perhaps in about one year's time we will say that the death sentence is not enough and we should cut the fellow's hands off in addition. I am told that in the Congo, or some parts of the Yemen, there are thousands of people who go around the towns with one hand or both hands cut off because they stole a loaf of bread or something like that. There is a danger in increasing sentences for their own sake, because they do not always dissuade people from committing crimes. I appeal, Sir, that this requires more research. I am not an authority on this and I do not profess to be an authority. However, I do say that increasing penalties and

[Dr. De Souza]

making death sentences mandatory is not going to solve the problems. Indeed, it is likely to aggravate the problems. We are likely to have a case, as I said earlier, where a gang of thieves burst into a house, probably with the idea of stealing and then one of the members does something a little more than he meant to do and then they end up by murdering everybody. Whereas, as the law stands, perhaps they would have left it at that and run the risk of going to jail. I think that this is something that should be given consideration and I would request the Attorney-General not to proceed with this particular section but to appoint a commission, or an inquiry by a Select Committee, to consider the problems in a very impartial manner and to discuss this in a way in which we have experts who will go into this problem. I am not saying this in a manner to disagree with him because I am not very happy about it and I am sure he is not very happy either. I am quite sure in my own mind that he, as a good lawyer, will understand the dangers of this and I am sure he must have been pressurized by a number of people who believe that this is the best immediate solution to abolishing the crime wave or the burglaries or the robberies with violence. I know that there are a lot of people who say, "Send them to the gallows and hang them.", and I am sure that he is not convinced that by doing this we will achieve anything.

I do respectfully suggest, Sir, that the Government should reconsider this particular amendment and, as I say, appoint a panel of experts who would go into the problem in a very scientific and dispassionate manner and decide what is the right penalty. We should not rush into these things, especially not with a cyclo-styled piece of paper a few hours before this Bill is going to come, because it will have very far-reaching effects on the Penal Law and the general methods of punishment in this country.

This is the only point I want to make although there are one or two other points that I feel one could make. One of these is the question, for example, that I notice that shopkeepers are not going to get any protection from prohibited literature. At one time everybody was subject to the charge on prohibited literature except shopkeepers, but now shopkeepers, or persons selling these books, are equally liable. I think this was part of the old Libel Law when a person selling books was not liable for libel unless he knew what was involved in the books he was selling.

I do feel, Sir, that there is a point which should be made here: the Government should publicize more clearly for the average person—perhaps even at airports and in our aeroplanes—exactly

what is prohibited and what is not prohibited. I am afraid that even I do not know myself what is prohibited literature. Hon. Members are aware that we get lots of pamphlets in our pigeon-holes and in the post and many of them are in German, and God knows what languages, which I do not read. I normally put them in the waste-paper basket, but I dread to think what might happen if before they go into the waste-paper basket somebody raided my office and they did turn out to be some periodical or pamphlet which is supposed to be prohibited. I do think that Members and the public should be more informed and better informed, and the shopkeepers should be informed as well, as to what is prohibited. This is one of the things that naturally arises when we bring an omnibus Bill to amend a large number of statutes which we cannot really do in such a way.

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

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, first of all if I may make comments on what my learned and hon. friend has been saying about sending out cyclo-styled documents. These papers, Mr. Speaker, were circulated some time ago and it is not as if they were circulated yesterday. I do not apologize for bringing this amendment because this matter has been discussed in the countryside and the public opinion has demanded that something must be done about the people who are committing these serious offences of robbery with violence. I know that there are two theories about this, two schools of thought; there are some who say that perhaps if a criminal knows that if he is caught, what will happen to him is that he will be hung what he will do, and what he must do, is to eliminate eye witnesses. There are others who feel that if this amendment is introduced, it can act as a deterrent.

Mr. Speaker, my duty is not to come here and theorize as to the pros and cons of this legislation. My instructions are to introduce this amendment and I think the hon. Members in this House do know the problem that we are having in this country and it is no use our comparing or theorizing about what legislation they have in the United Kingdom, England, America or in China. The problem that we have here is serious. Only two weeks' ago a European was attacked at Kabete and I have no doubt in my mind that that man was prepared to kill that European if only to complete what he wanted to do—in other words, to rob him. These are the people we aim at with this amendment. I can defend it. My hon. learned friend knows that there are always two sides to a

[The Attorney-General]

story; I can make an appealing and moving speech and he, as a defence lawyer, can make a similar moving and inspiring speech. It is a matter for this House to decide whether this legislation is necessary or not.

Mr. Speaker, let us not cheat ourselves—there is a serious problem. There are very few people in this country who are professional criminals and they are known, and I am certain that if this legislation is introduced they will be caught and perhaps they will be eliminated from our society.

We are arguing about this legislation here, and if one wants to mention other countries, only recently Uganda introduced this similar legislation that we are talking about. We have only introduced the capital sentence for those who want to carry out robbery and they use arms or a pistol, in other words, armed robbery. That is all. In Uganda they have gone the whole hog and quite a number of offences are covered and, as a result, if a person is convicted he is bound to be sentenced to death.

An hon. Member: How?

The Attorney-General (Mr. Njonjo): There are methods of executing these people once they are convicted, but, Mr. Speaker, all I tell this House is that I am not going to argue the pros and cons of this amendment, but what I am telling this House is that we have a serious problem in this country and unless something is done things will get worse. Even my hon. friend who is talking and quarreling about this matter—I do not want to predict—maybe one day he will be having dinner in his own house, in the lounge, and he will find these fellows and they will have no mercy on him. These are the people we are talking about.

Mr. Speaker, this is, of course, a matter which we will discuss at the Committee Stage and the hon. Member will have the opportunity of discussing the merits and otherwise of this matter.

Now, Mr. Speaker, some points were mentioned by my friend the hon. Shikuku about the words “magistrate”. This section, in effect, does exactly what the hon. Member was complaining about. In the old law a district commissioner used to have judicial functions because he was a magistrate. What we are trying to do is—as a result of the amendment we have introduced into this House—to remove the district commissioner in his capacity as a magistrate and leave that matter to be dealt with by magistrates and not by the administration officers. Those functions which are purely administrative will be done by the administration; the functions which are judicial will be performed by magistrates. That is all that this amendment is

doing. I want to assure this House that as a result of the amendment which we have introduced into this House, there will not be a single member of the administration who will be performing judicial functions; they will all be done by magistrates, from the High Court right down to a Resident Magistrate.

The other point that the hon. Member was making, Mr. Speaker, was about these ages of 14 and 16. Memories are very short in some hon. Members. The hon. Shikuku, when we were talking about defilement and rape, was the strongest supporter of this amendment that we reduce it from 16 to 14. We did that in the Penal Code and all we are doing here is the consequential amendment in the Criminal Procedure Code so that they are uniform. That is all.

Mr. Shikuku: On a point of order, Mr. Speaker, could the hon. Attorney-General substantiate that I spoke for the age to be reduced from 16 to 14 which he is stating now? My memory is not as short as the Attorney-General imagines, and I do not recall any day that I advocated that that age should be reduced to 14. Could he substantiate that? I did not.

The Speaker (Mr. Slade): I remember, Mr. Shikuku, you spoke for quite a long time on this proposed amendment. I think the Attorney-General might reasonably have thought that you were objecting to it, because I do not know why you should speak so long about it otherwise. Mr. Mwithaga definitely did, and perhaps he has confused the two of you.

Mr. Lubembe: Mr. Speaker, Sir, on a point of order, is it in order for the hon. Mr. Ngala-Abok to say that the hon. Member for Butere is the best chameleon in this House? Is that Parliamentary?

The Speaker (Mr. Slade): No, obviously that is a very offensive remark, and if it is loud enough for many hon. Members to hear it would be very much out of order. The casual remarks of Members to each other on the same bench we usually try not to hear.

Mr. Mwithaga: Mr. Speaker, if I heard you correctly you, from the Chair, tried to put the hon. Attorney-General right when he referred to the hon. Shikuku, and you said that I referred to this question of age when we were discussing defilement, and so, Mr. Speaker, Sir, am I not in the difficult position of asking you to substantiate, because I do not remember having said that I was against it socially?

The Speaker (Mr. Slade): I remember very clearly your argument because it was a most interesting one; you said that this implies that you

[The Speaker]

are treating girls as grown-ups when they are 14, and you do not think that is right and, therefore, you opposed it.

Mr. Mwithaga: That is not what he has said.

The Attorney-General (Mr. Njonjo): Therefore, Mr. Speaker, all I am saying as far as this point which was raised by my friend the hon. Shikuku is concerned, is that we are not changing the substantive law; all we are bringing is a consequential amendment.

With regard to the Pensions Act, no change is being introduced and it is only in the required minimum age of admittance.

With regard to the Trade Disputes Act, there was a clerical error of two words in the printing of the previous order when the East Africa Treaty provisions came into force. This is what is being amended.

Now, the Civil Procedure Act, Section 796: the times of appeals are set out in Section 799, which embodies a discretion. It is impossible to say how long preparation of paper work will take and this is why this amendment is introduced.

Mr. Speaker, I think those are the main points which have been raised by hon. Members, and with these few remarks, I beg to move.

(Question put and agreed to)

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

Second Reading ✓

THE AFFILIATION (REPEAL) BILL

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, first of all, may I say the formal words that I am required to say and say that I beg to move that the Affiliation (Repeal) Bill be now read a Second Time.

Mr. Speaker, I speak with a very heavy heart in introducing this Bill. Some of us, and I remember I was a young student fresh from the United Kingdom when I came back in 1955, when I made a lot of agitation for the introduction of this legislation, and the purpose of it was to protect our young children, and in particular the children who are born out of wedlock.

Mr. Speaker, the purpose of this legislation was not to provide money for unmarried mothers. The legislation was aimed at—I know Mr.

The Attorney-General (Mr. Njonjo): As hon. Members in this House they are entitled to have an interest in this legislation, and all I ask them is that they consider the repeal of this legislation very seriously.

Mr. Mbogoh: Mr. Speaker, I think the Attorney-General has generally made it known and submitted that so many people have got an interest in this Bill, and especially in this House, and should I be in order at this juncture to ask the Attorney-General to declare his interest in the whole matter?

The Speaker (Mr. Slade): It is the worst possible thing we can do on an occasion like this, or on any other occasion for that matter, to get involved in personalities. We are concerned with the principle here. As the Attorney-General says, there will be many members of the public who have a personal interest in this law and, in fact, most members of the public have some kind of personal interest in most laws. Let us consider this abstractly as a matter of principle.

The Attorney-General (Mr. Njonjo): When I say there are many people interested, hon. Members have received numerous letters being circulated all over the place by some women's organizations. I have a letter here from the National Christian Council of Kenya telling me that this legislation should not be passed and the matter should be deferred and so on. We heard on Sunday a sermon by the Reverend Gatu of the Presbyterian Church, speaking about the same legislation.

Mr. Speaker, I think hon. Members have been reading the Press and have been reading the documents which are being circulated by the women in this country, and they are, therefore, familiar with what our women folk are saying. All I am saying, Mr. Speaker, is what we must try and think is about the children who are here as a result of an association between a man and a woman. Now, Mr. Speaker, I am the last person to be defending the repeal of this legislation. I am not married and I have no responsibility to a wife. Quite a number of hon. Members in this House are married and they have children, and nobody can stand outside this House and say that perhaps these unfortunate incidents are unlikely to happen to their daughters.

This is what I ask this House to consider. If this legislation is passed, which means that all the protection which children born out of wedlock had under this Act are all repealed, and the orders

Mr. Speaker, Sir, I beg to move.

The Assistant Minister for Co-operatives and Social Services (Mr. Maisori-Itumbo) seconded.

(Question proposed)

Mr. Khaoya: Mr. Speaker, Sir, I stand to support this Bill without any reservation.

Mr. Speaker, it was on the 22nd April 1959, or rather on the afternoon of that day, when the Bill was passed and, Mr. Speaker, I noted it was very nice reading when I was reading the HANSARD reports on the debate which took place on that important Bill, which today we have the honour to repeal. I notice, Mr. Speaker, some problems were raised then, and I must be very grateful to you, Mr. Speaker, yourself, for being one of those who foresaw some of the dangers, and, in fact, you advised the then Parliament that they should not apply some of the provisions to the African population. I think you were right.

Ten years after we come to support the advice which you gave at that time, although I have some reservations say, to the then Minister for Local Government, Health and Town Planning, by the name of hon. Havelock, and a Mr. Webb, who supported him. I think you did us a good service in advising the course which we now support.

Mr. Speaker, I also note that ten years ago hon. Amalemba talked about the runaway women who were coming from the rural areas to the city, and that such a Bill would have encouraged them. I fully agree with the remarks he made because ten years' experience has supported his stand. Mr. Speaker, Sir, I also noted that the hon. John Muchura had his points on exploitation of the Bill by the prostitutes, and I think today we can confirm that whatever he said was right.

Mr. Speaker, ten years ago hon. Lieutenant-Colonel Bruce McKenzie mentioned his doubts on the case of single women, especially so far as African women were concerned, and I think I also have the honour to agree with him that he was right. He foresaw some difficulty in defining who would be a single woman. As I can see today, who is a single woman? What time of day is she single? I think that is the question one should ask.

have been put in my pigeon-hole; one is a green one and I will lay it on the Table if necessary. Mr. Speaker, it is addressed to the Government and the Republic of Kenya, it is not signed by anybody. I am lucky, Mr. Speaker, in that when these papers were being brought here, I met two ladies who had carried them so I am in a position to know who they were. One was Miss Margaret Kenyatta, and the other one was Miss Nolega. I met them, Mr. Speaker, in the lounge where I was handed this. I then asked them if they were married or not.

An hon. Member: They have children have they not?

Mr. Khaoya: One of them told me she had children but she had no husband. I think, Mr. Speaker, Kenya is drifting into a very dangerous situation. A daughter of our President should set an example to Kenya—

An hon. Member: No. Do not go as far as that.

Mr. Khaoya: Mr. Speaker, I think I will ignore this green paper and also the contents, especially paragraph four where it says it was because of the Prevention of Cruelty to Children Act had high-lighted the need to protect illegitimate children and young innocent women. How can a woman be innocent if she has children without a father? I leave it there, Mr. Speaker.

I now come to another White Paper, Mr. Speaker, which is from the Kenya Association of Social Workers, P.O. Box 9742, Nairobi, which is also unsigned. I do not know who brought this one, Mr. Speaker. Paragraph two of this unsigned White Paper from the Kenya Association of Social Workers, P.O. Box 9742, Nairobi, deals with the question of our not passing this Bill until the Government has consulted fully and has thought very carefully before passing it.

Mr. Speaker, for the last ten years anybody who has lived in Kenya must have been thinking of the implications and difficulties, the merits and demerits of the Act as it was existing, so it is too late for somebody now to make an eleventh hour appeal as if they are hurrying from Apollo 10 from the moon. We are not coming from the moon, but we are right here and we have been seeing them, and it is only right that we should reject this White Paper.

[The Speaker]

are treating girls as grown-ups when they are 14, and you do not think that is right and, therefore, you opposed it.

Mr. Mwithaga: That is not what he has said.

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Second Reading ✓

THE AFFILIATION (REPEAL) BILL

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, first of all, may I say the formal words that I am required to say and say that I beg to move that the Affiliation (Repeal) Bill be now read a Second Time.

Mr. Speaker, I speak with a very heavy heart in introducing this Bill. Some of us, and I remember I was a young student fresh from the United Kingdom when I came back in 1955, when I made a lot of agitation for the introduction of this legislation, and the purpose of it was to protect our young children, and in particular the children who are born out of wedlock.

Mr. Speaker, the purpose of this legislation was not to provide money for unmarried mothers. The legislation was aimed at—I know, Mr. Speaker, as I am speaking that a lot of people have got a personal interest in this legislation.

An hon. Member: You are one.

The Attorney-General (Mr. Njonjo): As hon. Members in this House they are entitled to have an interest in this legislation, and all I ask them is that they consider the repeal of this legislation very seriously.

Mr. Mbogoh: Mr. Speaker, I think the Attorney-General has generally made it known and submitted that so many people have got an interest in this Bill, and especially in this House, and should I be in order at this juncture to ask the Attorney-General to declare his interest in the whole matter?

The Speaker (Mr. Slade): It is the worst possible thing we can do on an occasion like this, or on any other occasion for that matter, to get involved in personalities. We are concerned with the principle here. As the Attorney-General says, there will be many members of the public who have a personal interest in this law and, in fact, most members of the public have some kind of personal interest in most laws. Let us consider this abstractly as a matter of principle.

The Attorney-General (Mr. Njonjo): When I say there are many people interested, hon. Members have received numerous letters being circulated all over the place by some women's organizations. I have a letter here from the National Christian Council of Kenya telling me that this legislation should not be passed and the matter should be deferred and so on. We heard on Sunday a sermon by the Reverend Gatu of the Presbyterian Church, speaking about the same legislation.

Mr. Speaker, I think hon. Members have been reading the Press and have been reading the documents which are being circulated by the women in this country, and they are, therefore, familiar with what our women folk are saying. All I am saying, Mr. Speaker, is what we must try and think is about the children who are here as a result of an association between a man and a woman. Now, Mr. Speaker, I am the last person to be defending the repeal of this legislation. I am not married and I have no responsibility to a wife. Quite a number of hon. Members in this House are married and they have children, and nobody can stand outside this House and say that perhaps these unfortunate incidents are unlikely to happen to their daughters.

This is what I ask this House to consider. If this legislation is passed, which means that all the protection which children born out of wedlock had under this Act are all repealed, and the orders which have been made by the courts will be abolished, then my only appeal is to our women-folk, and I ask them to be beware of men when they meet them, and I also say this. Our girls

[The Attorney-General]

should be very careful and not be friendly with men and should not have any association with men, unless the man takes her first of all to the altar and she becomes a wife to him.

Mr. Speaker, as I said before, I speak with a very heavy heart on this legislation, and all I can do is to commend it to the wisdom of this House.

Mr. Speaker, Sir, I beg to move.

The Assistant Minister for Co-operatives and Social Services (Mr. Maisori-Itumbo) seconded.

(Question proposed)

Mr. Khaoya: Mr. Speaker, Sir, I stand to support this Bill without any reservation.

Mr. Speaker, it was on the 22nd April 1959, or rather on the afternoon of that day, when the Bill was passed and, Mr. Speaker, I noted it was very nice reading when I was reading the HANSARD reports on the debate which took place on that important Bill, which today we have the honour to repeal. I notice, Mr. Speaker, some problems were raised then, and I must be very grateful to you, Mr. Speaker, yourself, for being one of those who foresaw some of the dangers, and, in fact, you advised the then Parliament that they should not apply some of the provisions to the African population. I think you were right.

Ten years after we come to support the advice which you gave at that time, although I have some reservations say, to the then Minister for Local Government, Health and Town Planning, by the name of hon. Havelock, and a Mr. Webb, who supported him. I think you did us a good service in advising the course which we now support.

Mr. Speaker, I also note that ten years ago hon. Amalemba talked about the runaway women who were coming from the rural areas to the city, and that such a Bill would have encouraged them. I fully agree with the remarks he made because ten years' experience has supported his stand. Mr. Speaker, Sir, I also noted that the hon. John Muchura had his points on exploitation of the Bill by the prostitutes, and I think today we can confirm that whatever he said was right.

Mr. Speaker, ten years ago hon. Lieutenant-Colonel Bruce McKenzie mentioned his doubts on the case of single women, especially so far as African women were concerned, and I think I also have the honour to agree with him that he was right. He foresaw some difficulty in defining who would be a single woman. As I can see today, who is a single woman? What time of day is she single? I think that is the question one should ask.

Mr. Speaker, when we discuss this, especially after the recent passing of the Vagrancy Bill, I think it is only fair that this Bill should come now so that we can clear some of these anomalies. I have the feeling, Mr. Speaker, that for ten years the Bill has created a lot of havoc amongst the population of Kenya, and it is only right that today we kill it.

I have seen, Mr. Speaker, two papers which have been put in my pigeon-hole; one is a green one and I will lay it on the Table if necessary. Mr. Speaker, it is addressed to the Government and the Republic of Kenya, it is not signed by anybody. I am lucky, Mr. Speaker, in that when these papers were being brought here, I met two ladies who had carried them so I am in a position to know who they were. One was Miss Margaret Kenyatta, and the other one was Miss Nolega. I met them, Mr. Speaker, in the lounge where I was handed this. I then asked them if they were married or not.

An hon. Member: They have children have they not?

Mr. Khaoya: One of them told me she had children but she had no husband. I think, Mr. Speaker, Kenya is drifting into a very dangerous situation. A daughter of our President should set an example to Kenya—

An hon. Member: No. Do not go as far as that.

Mr. Khaoya: Mr. Speaker, I think I will ignore this green paper and also the contents, especially paragraph four where it says it was because of the Prevention of Cruelty to Children Act had high-lighted the need to protect illegitimate children and young innocent women. How can a woman be innocent if she has children without a father? I leave it there, Mr. Speaker.

I now come to another White Paper, Mr. Speaker, which is from the Kenya Association of Social Workers, P.O. Box 9742, Nairobi, which is also unsigned. I do not know who brought this one, Mr. Speaker. Paragraph two of this unsigned White Paper from the Kenya Association of Social Workers, P.O. Box 9742, Nairobi, deals with the question of our not passing this Bill until the Government has consulted fully and has thought very carefully before passing it.

Mr. Speaker, for the last ten years anybody who has lived in Kenya must have been thinking of the implications and difficulties, the merits and demerits of the Act as it was existing, so it is too late for somebody now to make an eleventh hour appeal as if they are hurrying from Apollo 10 from the moon. We are not coming from the moon, but we are right here and we have been seeing them, and it is only right that we should reject this White Paper.

[Mr. Khaoya]

Mr. Speaker, my only worry, and this I have already mentioned to the Attorney-General, is that perhaps by repealing this we might have let loose the hell of men going to our school children, especially girls, and, Mr. Speaker, because of that worry, I would like to ask the Government to take immediate steps to draft another Bill solely to cater for the school children. We are all fathers and we have daughters. In the rural areas, Mr. Speaker, we have case after case where a school master has made a school girl pregnant, we have heard of these cases. We have heard of cases where a county council clerk, or a district commissioner's clerk, or the district commissioner himself, have made school girls pregnant. I think we have a big danger there because without some form of protection we might regret this later on.

Mr. Speaker, while I agree entirely today that we should very honourably kill this Bill, at the same time, I would like the Government, especially the Attorney-General, to look into the aspect of school children who might be victims.

My other point, Mr. Speaker, is in connexion with the warning which we have just now received from the Attorney-General when he was warning the women to be aware of men. I think that is very bad advice. This is a problem which is as old as the first scene with Adam and Eve, and I do not think any advice from the Attorney-General will be taken seriously. If anything, I would say we should follow the Bible. You have your wife, and if you are like David, you have one thousand wives and you have your house of course and you can always do it. David had one thousand wives and a house. The Quran which I read frequently does not frown on polygamy so we could go ahead. I do not agree with the Attorney-General with his advice when he was telling our women to beware of men. If that is the case, then who would be their friends?

Mr. Speaker, I beg to support.

Mr. Wariithi: Mr. Speaker, I would like to say a few words on this Bill.

First of all, Mr. Speaker, I would like to say that since 1960 when I started practising as a member of the Kenya Bar, I have had a lot of experience with the working of the Affiliation Act, and there is no doubt that this Act has been very badly abused in its implementation. No doubt, the intention as the Attorney-General, my learned friend, said earlier, was to protect children born out of wedlock and not to provide money for unmarried mothers. Unfortunately the contrary has happened, in that the unmarried mothers,

many of them, have taken advantage of this Bill and have enriched themselves. This was not the intention of the law.

At the same time, I would like the House to consider that the question of the protection of children born out of wedlock is not going to end by repealing this law. As a matter of fact, I would like to say, and I have taken the trouble to discuss this with a number of Members of Parliament, about the customs of our people even before the coming of the white man. I am told by those who are senior in age to myself, particularly the Abaluhya where my friend comes from, that the practice was that if a man made a woman pregnant, it was provided under customary practice that he would take that child and keep it after, let us say, after it had been weaned from the mother. In other words, even in our customs, there was a provision whereby the interests of the child were considered, in that the child had come to this earth and had no proper father, nobody to take care of this child, and then it was thought fit that whoever was responsible, so that the child did not suffer, and it had something to eat, somewhere to live and probably was to be given education; the father was to be responsible for the maintenance of that child after it was able to live away from the mother.

Let us not think that the idea of protecting children is a foreign idea. It has been there and there is nothing foreign in the idea. When we consider the future of that child who has come to this world through no fault of its own—as a matter of fact hon. Members in this House know, and maybe some of them have the experience, that when the two meet, the girl and the boy, they have no intention of bringing forth a child. In many cases, this is by accident. Let us not blame anybody.

My contribution to this Bill would be that it is quite true that the Act, as it is in its present form, has not achieved its purpose. I support the idea strongly of repealing the present law as it is, but I feel we would be failing in our duty as Members of Parliament, as the leaders in this country, if we were to repeal the law and not have something to take care of these children.

Much has been said, Mr. Speaker, about the mothers who are given money for maintenance, not spending this money for the welfare of the child. It is true this happens. My view is this. What do we expect the Government to do? Not that I agree with the memorandum circulated or the papers, I think the Government should find out the shortcomings of the Bill and what can be done to repeal, or to remove the shortcomings. In other words, if the money ordered by the

[Mr. Wariithi]

court to be paid to the mother of the child, if the mother is misusing that money what stops our Government from amending the law and provide that the money does not go to the mother, but goes either to a Government department or goes to charitable organization, or such like organizations? I am trying to argue—

The Speaker (Mr. Slade): Would the hon. Members please be more orderly, because there is so much conversation and noise. It is very hard to hear the hon. Member who is talking.

Mr. Wariithi: If the argument is that unmarried mothers when they get this money use it for their own purposes, I think a possibility of safeguarding that loophole, to see that the money is utilized for the child, you can provide that the money is not paid to the mother.

The other point of having one woman having several orders, for instance, affiliation on two or three men and getting money for this maintenance, I have got a proposal. You can provide that—

An hon. Member: No, this Bill must be repealed.

Mr. Wariithi: No, I am speaking my own mind. So, Mr. Speaker, in the Act or Bill to take the place of the present Act, it can be provided that a woman who has been married before, or has been separated from her husband, or has had a child, will not be covered by the Bill. As such, we will provide for a situation like the hon. Chief Whip was saying, of a young girl from school, or a young girl from a home, who has never been married, never been divorced, and never had a child. So, in other words, it could be provided that that single girl, once she applies for one maintenance order, or affiliation order, if she gets a second child she cannot come to court and apply for an affiliation order on another man. In other words, the possibility of one woman having two or three affiliation orders is removed, in other words a girl can come to court only once in her life.

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

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

If subsequently she becomes pregnant, she is barred because it is quite clear that maybe she wants to make it a habit, or make it a money earning affair. So what I am trying to say, Mr. Speaker, is that I agree that the present law is bad, but after having repealed it, I feel very strongly, that we must consider what should take its place. I am saying this because we ourselves, in our African customs, accept the principle that a child when it comes into this world must be

taken care of. What I am proposing either in the form of an amendment or in the form of new legislation, will take care of the child who, after all has to eat, to be fed, to go to school, and such things.

My last point, Mr. Speaker, is that the question of the degree, of proving that the law requires to determine who is the father of the child, is a very difficult problem—the present law as it is—there are many cases where you are not sure who it is, and even the women themselves may not know. So if the proposal I was putting forward were to be considered, I would go further and say it should be necessary for legislation to make it more strict and to require a higher degree of proof that “x” was the father who was responsible. Mr. Speaker, as I say, I have had experience of such cases, defending even the so-called unmarried mothers when they try to get affiliation orders on men. I know of cases where they have paid the money and then the fathers complain that the money has not been used properly and as such I have got some experience.

As to the question of some Members having interest in the Affiliation Act or may be the members of the public, I would like to say that what is important is for us to consider those innocent young girls who, through no fault of their own—and in fact some of us who are Members of Parliament, or people outside, some may take advantage of the innocent and get them into trouble—but the main thing to consider is that child—in fact the hon. Attorney-General—is concerned with Doctor Barnardo’s Home. He knows the cases which are there, and in fact unless there is protection of some kind, that number will grow and if it grows it will cause more trouble than we have at present. So let us take it as a needy affair and the question of men and women not mixing—women to keep away from men, this is not possible and it is very unnatural. So Mr. Speaker, I support the repeal of the Act, but strongly advise and recommend the Government to consider seriously putting forward new legislation removing all the loopholes, all the abuses which we now know of from the experience we have had from the present Act.

Mr. Muliro: Mr. Speaker, Sir, I would like to make a few comments on the repeal of this notorious Act. I very much wish to hear the Attorney-General in his reply, giving us an assurance on some specific points. There are today very many such loose girls who come to seek employment in Nairobi or who are in schools whose aim is deliberately to exploit men. They are very willing, or one might—Mr. Speaker, Sir, if we are going to repeal this—

The Deputy Speaker (Dr. De Souza): Speak behind the microphone Mr. Muliro, we might be able to hear better.

Mr. Muliro: I know my stand here and I am always right. If we have to repeal this Bill, well and good, because some unscrupulous women have overplayed their game, because one single girl might be making children year after year by different men, in order to claim more than one affiliation order. This, Sir, is an abuse. When this Bill was first enacted, I supported it.

An hon. Member: Were you here?

Mr. Muliro: I was in this House before the hon. Member dreamed that he could be in this House, so when it was enacted I was there. Mr. Speaker, today we have homes where these helpless people are being taken. But unfortunately, some mothers get the money and this money does not find its way to Dr. Barnardo's Home or the Christian Social Centres and all these places. This is what we feel is wrong.

An hon. Member: They buy wigs.

Mr. Muliro: Mr. Speaker, I am very capable of speaking my own mind. Mr. Speaker, I definitely think that the first offender should be given some assistance. In other words, if a school girl commits the first mistake, the girl should be protected. If she goes in for the second time, all she should call herself is an old hand at the game. So, Mr. Deputy Speaker, I would like to say that when the Attorney-General replies, he should tell us how best he is going to look after these unfortunate children. Mr. Speaker, Sir, I am speaking as a parent of two daughters and three sons.

Hon. Member: You are unfortunate.

Mr. Muliro: My sons may commit these offences and my daughters may be in trouble elsewhere. So, Mr. Deputy Speaker, Sir, we must be very serious. We should never be carried away by emotion. The deliberations of the Members in this House should be in the best interest of the people of this country, of the unfortunate and the fortunate as well. Therefore, Mr. Deputy Speaker, I find it would be fair and just for us, while repealing this Act, to get another document, another Act in this House, in the shortest possible time pointing out how best we are going to protect some of these children.

We have laws to deal with cruelty towards animals in this country. We do not want to have no means of protecting unfortunate children. Though the hon. Members talk about African customary law, the African customary law in Kenya today is not worth the paper on which it can ever be written. Mr. Speaker, the problem as

far as the African customary law is concerned, is that it is not even codified. There is another point for those who talk about African customary law. According to the Abaluhya customary law, when a girl conceives, the man responsible pays one *ng'ombe*. Today Sir, there are no *ng'ombe* to be paid and, therefore, money is the answer. For this reason I find in modern development that as we advance, the customary law must also give way to the statute law.

Hon. Member: We shall codify it.

Mr. Muliro: We are doing that. Even if we feel we should codify the African customary law, they are so contradictory from place to place that we would never make sense out of them. In Turkana, if a married woman tries to commit adultery, the man so involved is put to death by way of spearing him. Is that the type of law you want? Mr. Deputy Speaker, such a law is out of place. I do not want any information, Mr. Deputy Speaker, Sir. I feel we should not have customary law when we know that it is valueless and impracticable. There are many children who are born and brought up here in Nairobi who, unfortunately, know nothing about customary law.

Mr. Shikuku: It is the stupidity of their parents which is to blame if they do not know.

Mr. Muliro: The hon. Member says that they are stupid. His children are all being brought up in Nairobi, and so he is stupid as well.

Mr. Deputy Speaker, all that I would like to say is that the hon. Members and the Government should think how best we can repeal this law and create another law which will remove the abuse inherent in the Affiliation Act, but, at the same time, protect the children of Kenya.

With this, Sir, I beg to support the Bill.

Dr. Waiyaki: Mr. Deputy Speaker, Sir, this is a very serious matter. I am afraid that some men in this House are beginning to tackle this problem from the point of view of looking down on women who happen, unfortunately, to have illegitimate children. I would like to ask the House to move away from the idea of discussing the women who have these children. They should, instead, come back to the children themselves. If I am asked how one gets children, I would like to ask hon. Members this question in turn: what woman has ever had a child without a man? I have a feeling that some men are eager to go and get a free feasting from the time we repeal this Bill. They believe that now that the law is not going to apply, they can have a free feasting. However, what I am interested in myself is the plight of the child. I hope it is the child that the Members in this House will be concerned about.

[Dr. Waiyaki]

It is true, Mr. Deputy Speaker, that this law has been misused by some loose women. They have commercialized the law. However, it is not the children who have commercialized the law. It is the women who have done so. So, it is essential that we find a way of looking after those children. Mark my words—the children, but not the mothers. Although it is not the fault of every woman who becomes pregnant out of wedlock there have been cases, even cases of rape where young women become pregnant by unscrupulous men and I have not heard anybody speak for those. There are some people in this city who have been handed children from the various parts of this country to look after. Then, some men who have lovely cars take these women every other night. If you follow them to night, you will find them doing it again. They are the ones who make women pregnant but, unfortunately, they are not speaking of them now. I would warn that we would be encouraging illegal abortion if we repeal this Bill and do nothing about any possible consequence. It is not possible in Kenya in 1969 to prevent intercourse outside marriage and this will continue to go on. Some men who are married are the ones who are responsible for the pregnancy of these young women. Maybe some are here. It may be the large mouthed lot are the ones who are concerned. Mr. Speaker, I wish we could have X-ray eyes and follow each Member tonight. If we had X-ray eyes, we could penetrate some of the cars and some of the walls.

The Deputy Speaker (Dr. De Souza): Order!

Mr. Shikuku: Is the hon. Member not on the verge of imputing improper motives to the hon. Members here that we should be followed at night?

The Deputy Speaker (Dr. De Souza): Order! He is not yet imputing improper motives, but he is very near it, I agree. He is, however, skipping around it but he has been quite careful so far.

Dr. Waiyaki: Mr. Deputy Speaker, I think I am quite adept at the art of brinkmanship. I had not dropped down yet, but I nearly did so. The Members should then have been more concerned than they are at present. I was saying that if we would follow these men tonight, they would be after these young women who are helpless when they are handled by people who are experienced. I would not call them innocent, for if they were they should not have gone out with them. They are young women who cannot defend themselves mentally because the men have a lovely tongue when they are in need of these women. It is a pity that after they have convinced them, that they abandon them. I think

that a man who goes to a woman once, twice, thrice, surely must like that woman. If you read the Swahili newspaper reports of the Makadara court cases you will find they say "*Tulionana kimwili siku fulani*". "*Tukaonana kimwili tena*". "*Siku fulani, tukaonana tena*", and so on. People are *Onana kimwili* with these women many times, Mr. Deputy Speaker. Why are they ashamed either to marry the women or at least to support the children that this "*onanaring*" *kimwili* gets? I, myself, cannot understand this kind of attitude because, Sir, a woman whom you go to when you have had a Tusker bottle too many and you are feeling more of a man than you were before you took the bottle, does not take you to court because she does not even have a clue who you are. The women in my constituency that the Members here talk about very freely, in Eastleigh, do not take anybody to court.

Mr. G. G. Kariuki: On a point of order—

I do not think I have a point of order now, Sir, because the hon. Member who was making a noise here has just left.

The Deputy Speaker (Dr. De Souza): Order! Well there is a lot of noise going on in the House, I do not think it is only confined to him. I hope the noise gets less because we are discussing a very serious Bill.

Dr. Waiyaki: Mr. Deputy Speaker, we are not talking of those women who have decided to make a profession out of their bodies— They have many children. If you go to the Mathari Valley, you will find many children there. These women do not take the men to court. It is these other women, the likes of some of the girls in our offices, who do take men to court.

All the same, whether they are right or wrong, Mr. Deputy Speaker, the child is born. What we are trying to say about these women now is that they will either practise abortion illegally or they will abandon the children once they are born. Why do you want to have the fun and have nothing to do with the duties that come after that? When these Members are much older, the ones that are laughing at me—

I have only two small daughters and mine are not likely, for the next ten years, to be interfered with. So it is not from a personal interest that I am speaking. My girls are very small, thank you. There are Members here who have grown-up daughters and, maybe, they can think of the immediate consequences that will come. I am talking nationally here.

Mr. Deputy Speaker, would the Attorney-General tell us, because I was listening very carefully when he was moving the Bill, what will, in fact, follow immediately the repeal of this Bill?

[Dr. Waiyaki]

And what will happen, in fact, to those people who are already paying as the result of a man being taken to court under this Affiliation Act? Are these things going to be abrogated and repealed? And what is going to happen to the children who are born tonight and tomorrow out of wedlock? Are they going to be put in the dustbins for the municipality to take to Embakasi or somewhere?

Mr. Shikuku: Why not take them to their fathers?

Dr. Waiyaki: Well, if the hon. Member for Butere is prepared to take the kids, I am quite happy. You can have all of them.

Mr. Shikuku: I will only take my own.

Dr. Waiyaki: Sir, there is another problem. It is becoming quite a common practice these days for men to define themselves as African socialists when they take more than one wife. Some of these women they do not even marry and they abandon them at the slightest quarrel and leave them with the children. What is going to happen to those children who are born as a result of deceit, because that is what I call it? You take a woman, you are not married to her, and once you quarrel with her you abandon her. What happens to those children that are born? Dr. Barnardo's Home is completely full as well as all other such homes. It is not good enough to laugh at the National Christian Council of Kenya. They are the type of people who are concerned with these children and their problems; they are dealing with the problem as it is now. It is not even good enough to laugh at the Kenya Council of Women. It is easy for a man to draw out a woman who happens to lead the Kenya Council of Women and say that she had children illegally out of wedlock and, therefore, the whole thing must be condemned. I do not look at it that way. These children, Sir, must be provided for, and when the Attorney-General comes to reply to the debate, he should tell us exactly what is going to happen to these children.

Sir, I must warn Members that, as of tonight, I am warning the women of my constituency to kick them when they see them. If they see you, they will kick you because you are busy trying to destroy them.

Mr. Mwithaga: Mr. Deputy Speaker, Sir, when I stand here to speak I intend to approach this Bill with candid reasonableness and seriousness, too.

Sir, a Member says, "So what?", but I would like to tell him that it is no good being emotional on an issue that is so national.

We have to be considerate because—

Mr. Deputy Speaker, Sir, can you order the Minister for Information to go to the Front Bench?

An hon. Member: You are lucky because you are short.

Mr. Tsalwa: Mr. Deputy Speaker, Sir, is it in order for an hon. Member to describe the hon. Member on the Floor that he is lucky because he is short? Is that parliamentary language?

The Deputy Speaker (Dr. De Souza): Order! Order! Order, Mr. Lubembe.

I do not think it is unparliamentary to describe an hon. Member as "short".

However, I would say that this is a very serious Bill and there has been so much of laughter and joking, and almost screaming going on that one would have thought we were having fun and games. I think Members should take this a little more seriously. This is a matter that affects the lives of many people. I think it would be better to treat this issue more seriously than we are doing at the moment.

Mr. Tsalwa: On a point of order, Mr. Deputy Speaker, I am sorry, but if that is the case, that it is not parliamentary language, that the hon. Member be asked to withdraw and apologize at the same time. We know who he is.

The Deputy Speaker (Dr. De Souza): Order! I think you misunderstood me, Mr. Tsalwa. I said it was not unparliamentary to call an hon. Member "short". It is, perhaps, not in good taste but it certainly is not abusive.

Let us carry on with the debate.

Mr. Mwithaga: After all, Sir, the Minister for Information is only jealous of my stature because shorter people are normally stronger.

The Deputy Speaker (Dr. De Souza): Do carry on with the debate.

Mr. Mwithaga: Now, Sir, what we must understand first is where the affiliation issue emanated from. To this country the essence of this and the way it was enacted, and the way in which it has been implemented, is a foreign idea. It is easy to say in one language that we are against a certain foreign idea and, on the other side, to say that we want the other foreign idea. Are we not confused? It is absolutely un-African, it is completely un-African to use the Affiliation Act the way it has been used during the last ten years. If we are proud of our own heritage we must go on being African.

Sir, we must be completely conscious of some of the feelings being infused in our people, in Members here by the so-called circulars which are coming to us from interested organizations with vested interests. I have proof on what I am talking about.

The Attorney-General (Mr. Njonjo): These are respectable women.

Mr. Mwithaga: Mr. Deputy Speaker, Sir, if the Attorney-General is serious in his statement, then there is much to be admired!

There is no question of making jokes out of this issue. We are aware that there are children who will be affected. That is not a new theory, it is not a new thought, it is not a matter that should be made a fact for us to know. We know it.

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

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

Mr. Speaker, Sir, I remember that I was the only Member who drafted a Motion to call for the repeal of this law. Yes, Mr. Speaker. I had reasons for that, and that is why I said I wanted to treat this matter seriously.

We are hearing today that this law is unfortunate because it is going to affect children and, therefore, we must forget what the mothers are doing by commercializing this law. Now, Sir, there cannot be a child without a mother; that is impossible. Also, there cannot be a child without a father and a mother. It is physically and naturally impossible.

An hon. Member: That is not relevant.

Mr. Mwithaga: Mr. Speaker, it is relevant because I know what I am driving at.

Today, it happens that children are starting to belong to their mothers and not to their fathers. This, is what I am saying is absolutely un-African. Therefore, Mr. Speaker, if the foreignness of this idea, of transferring children from their African heritage, whereby children belong to their fathers and should now belong to their mothers, and thereby we should not repeal the law, makes a nonsense of the whole issue.

Mr. Shikuku: Makes nonsense of our tradition.

Mr. Mwithaga: Mr. Speaker, Sir, a Member, whom I know is married, asks whether I can look after them. If I have gone astray it means that I am in a position to look after them. If he cannot, that is not my fault.

Therefore, the women who have been using this Affiliation Act have only failed to understand that there are two laws in this country which cater for the whole matter. We have the Affiliation Act and the Matrimonial Causes Act. The Matrimonial Causes Act provides for conjugal rights and that law alone solves the whole problem without this Affiliation Act. Why it solves the whole problem is because under the Matrimonial Causes Act

children born in wedlock are covered. But this Affiliation Act which was also intended for the same purpose have now turned from the question of wedlock to children who are born out of wedlock, at times, Sir, those children born out of wedlock, for whom some mothers have been trying to fight in the courts, like the courts in Makadara and other courts, you find most of them are in towns.

Sir, a Member asks what is wrong with that. Why they are found to be in towns is because most women work in towns; some parents who have lived here for long, their children have lived in this town—the girls—and they have not actually known the real meaning and seriousness of marriage. In towns is where you find most of the broken marriages; and in towns is where you find most girls not wanting to marry.

Hon. Members: But they want children.

Mr. Mwithaga: Mr. Speaker, this is natural. I must say, from a very African approach, that a girl who has never had a child feels herself an outcast in society. The Attorney-General says that is not true. I believe he is not an African if he says that is not true.

The Speaker (Mr. Slade): At that point of disagreement it might be a good moment for you to break off, Mr. Mwithaga. You can resume your speech when we resume the debate.

It is time for interruption of business, but before interrupting business I would like to say that there is a Motion for the Adjournment and would also like to correct something.

The Speaker (Mr. Slade): I think I am entitled to correct one statement of fact which was made with reference to me personally by Mr. Khaoya, who said that, studying HANSARD on the debate for the Bill for introduction of this Act ten years ago, he finds that I opposed the Bill. Perhaps I misunderstood him. He would in fact, find that I was a very strong supporter of the Bill.

MOTION FOR THE ADJOURNMENT

SHORTAGE OF SCHOOLS' EQUIPMENT

The Speaker (Mr. Slade): Would a Minister please move that the House do now adjourn.

The Minister for Education (Dr. Kiano): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

The Assistant Minister for Co-operatives and Social Services (Mr. Maisori-Itumbo) seconded.

(Question proposed)

Mr. Godia: Mr. Speaker, Sir, in proposing the Motion for the Adjournment I would like to say that it comes as a result of a Question which was Tabled by the hon. Member for Embakasi, hon. Karungaru. The Question read, and I quote:

“Mr. Karungaru asked the Minister if he would tell the House if it was true that some of the other schools on chalk exercise books
answer was in the affirmative, how soon would the Minister remedy this.”

Mr. Speaker, Sir, the Minister replied, and I quote: “Yes. Before 1969, the system of distributing books and equipment to primary schools was that the local authorities issued tenders to local suppliers who then delivered the books and other equipment as directed.

Unfortunately, the Central Government then discovered a lot of irregularities and, possibly, bribery and corruption had taken place in handling of these tenders.

It was, therefore, decided rather late, in 1968, that the distribution of these books and equipment should be handled by the Central Government. Because of the fact that this decision was taken close to the end of the year, entirely new machinery for handling the purchasing and distribution of those books and equipment had to be set up in the Ministry of Works, it was not possible to deliver the books and equipment to all schools in time.”

Now, Sir, the Minister further stated that all schools will have received books and equipment before June 2nd 1969. What he meant by that was, in a week's time. The Minister extended his apology—

The Minister for Education (Dr. Kiano): On a point of order, Mr. Speaker, I never gave a specific date and did not say, “In a week's time”. What I said was, “In a few weeks' time.”

The Speaker (Mr. Slade): You will accept that correction perhaps, Mr. Godia.

Mr. Godia: I do accept the correction. Mr. Speaker.

The Minister expressed apologies to the parents and teachers, as well as pupils, for their concern, for the lateness in getting the equipment. This means therefore, that the Minister has been satisfied, up to this moment, that the supply of equipment to schools this year has been very, very unsatisfactory. This system, Sir, is the subject of this debate.

Therefore, Mr. Speaker, I advise the Minister to direct the local authorities to invite tenders, including the Minister of Works, at the district

level, and if the Ministry of Works' tender is accepted by any local authority, that should be all right. The local authorities ought to be free to choose who they consider can supply the schools in the quickest possible time.

Mr. Speaker, Sir, it is not fair to force the local authorities to wait for the supplies from Nairobi, *because even now, as I shall tell the House, some of the schools have not received their equipment as of this date, and this is six months after the year started. In a few months' time the pupils will be sitting their Certificate of Primary Education and what can we expect the results to be like when, up to date, they have not had supplies of the equipment required?*

An hon. Member: They will all fail.

Mr. Godia: Mr. Speaker, Sir, therefore, I think the Minister for Education should go into this matter and consider this matter very favourably because I know he is a very efficient and able man and this is not hard for him. I am asking him to consider this.

I have the following proof, Mr. Speaker, Sir, to show that this year's supply of equipment to the schools has been very unsatisfactory. Therefore, I would ask the Minister to ask each authority to make its own order, rather than forcing them to order from Nairobi.

Mr. Speaker, I would like to put down examples to prove that the supply of equipment to schools has been poor. In Kiambu District, there has been a partial supply of equipment to some schools only. Here I am informed that Ndeekei School in Kiambu has had no equipment at all. I have also been informed that the school of the East African Bag and Cordage Company, at Juja has had only partial equipment delivered, so that in a class of 40 where pupils are reading the *New English Approach*, two pupils are sharing a book, an English reader. This is an appalling state of affairs and that is why I am asking the Minister to consider the matter seriously.

In West Elgeyo-Marakwet, there are no registers, Mr. Speaker, Sir. In the Kiambu schools, the County Education Officer is reported to have told all headmasters to buy hard-covered note-books for use as registers because registers cannot be found. In Meru, the Minister for Education has allowed Sh. 1 to be used per child to be spent on books while awaiting for the equipment to come from Nairobi. In Kakamega District, the Minister for Health is reported to have intervened to get supplies sent there. What happens to a place where there is no Minister?

The Minister for Education (Dr. Kiano): Kiambu does not have a Minister?

~~Mr. Godia: Mr. Speaker, Sir, I am not~~
answer that.

Mr. Speaker, in some schools they do not have any equipment. I am told that some schools have received only coloured chalk and no white chalk, and that is an appalling state of affairs. I am told in another district the school received chalk boxes which were full of sawdust and they were meant to be chalk.

The Minister for Education (Dr. Kiano): Will you prove this?

Mr. Godia: I think the Minister wants to interject. I can prove this for him tomorrow.

The Minister for Education (Dr. Kiano): Will you bring the sawdust?

Mr. Godia: I will prove it by getting more information from that district.

Mr. Speaker, Sir, the teachers in Narok are reported to be sharpening cassava for use as chalk on the blackboards, and this is bad.

Mr. Speaker, Sir, since Mzee ordered lorries to go out from Nairobi to deliver equipment to the schools, many schools have not received their supplies. I know that the Ministry of Education is responsible for the standards in our schools and it is also responsible for the collection of materials which should be given to the schools.

The Minister for Education (Dr. Kiano): I am not responsible for the delivery.

Mr. Godia: Mr. Speaker, Sir, the Minister here is saying that he is not responsible for delivery, and that is why I am saying that the Minister should recommend to the local authorities so that the local authorities are responsible for the delivery of equipment to their own local schools.

Here, in Nairobi City Council, the City Council has had a very excellent way of supplying to its schools, and I do not see the reason why the Minister for Education did not allow the City Council of Nairobi to stick to their own means of getting equipment to their own schools. This is very unfair and I think something should be done.

The Minister, Sir, also said in his reply that there was some corruption and instances of bribery over the issue of equipment to schools. I would be very grateful to know if any action was taken to bring the people concerned to court, and if any were taken to court we would like to know if these cases involved school teachers or what. We want to know. It appears now that the whole nation has been punished because of the mistakes of one individual. That is unfair.

I am briefly asking the Minister, Mr. Speaker, Sir, to reconsider the decision and allow the local authorities to be responsible for the supply of

Works is interested, it should also submit tenders to the local authorities and they should be allowed to accept the tenders from the Ministry or accept any other tenders as they see fit, without being compelled from Nairobi to accept the Ministry of Works' tender.

Mr. Speaker, Sir, with these few words I move the adjournment of the House.

Mr. Karungaru: Mr. Speaker, Sir, I would also like to be very brief on this one because I know how serious it is. The Member who moved the adjournment of the House has already established a case, and I do not have any doubts that the Minister for Education has understood him.

Mr. Speaker, the Minister for Education has time and again been telling this House as to his Ministry's intentions to supply school equipment. Why should the Minister for Education, of whom we have a very high regard, come into this House time and again and tell us that he is going to fulfil this, only to find that the promise he has given is quite void? In the final analysis, we have come to know that if we are true representatives in this House, we have to tell the truth. This question of school equipment has not started just this year; it started even last year and nothing has been done about it. We know that up to now they are schools which have not got their equipment, and in which month are we now? Is this not June, Mr. Speaker, Sir? This is the middle of 1969 and yet we know that some of the schools, up to the moment, have not got this school equipment. Is it not a shame? What will be the results of the Certificate of Primary Education? Maybe the Minister has his own reason why he is doing this, and I am now going to accuse him in this House so that he may come forward and tell us that my accusation is unfounded or is founded. Mr. Speaker, maybe the Minister has knowledge of what will happen in the results of the Certificate of Primary Education this year, because last year the students who sat for this examination did not all get places in the high schools, the secondary schools. Maybe he has a plan to reduce this number in advance so that we do not come across the same problem that—

The Minister for Education (Dr. Kiano): On a point of order, Mr. Speaker, is the hon. Member making an accusation of ulterior motives, that the delay of the books is based on some ulterior motive, and if so I would like him to substantiate that?

The Speaker (Mr. Slade): That seems to be the implication of what you are saying, that the Minister has some diabolical plan of depriving students of equipment, so that there will be less

[The Speaker]

of them qualifying for secondary schools. I am sure you do not mean that, and you will withdraw any suggestion of it.

Mr. Karungaru: Mr. Speaker, I do not really mean that, what I am doing is to give the general opinion—

The Speaker (Mr. Slade): No. No. What is the general opinion? That the Minister has this diabolical plan? You must withdraw allegations of this kind, general opinion or not. Please withdraw any imputation against the Minister that he is deliberately depriving school children of equipment in order to achieve some nefarious ends.

Mr. Karungaru: That general opinion can be withdrawn, and I have done so.

The Speaker (Mr. Slade): Not can be but is, and I think with an apology too.

Mr. Karungaru: I do apologize.

Mr. Speaker, although this has been happening is it not true that the Minister for Education is the man who has been a scholar? A man who has a record of education, and knows the benefit of education? Why has a man of such high calibre not see fit to give the proper equipment in time? I know the Minister for Education is very capable in argument. He may come here and brush off whatever we have established. That is known.

Mr. Speaker, Sir, the truth is whether he is coming to this House and tries to dodge the idea or not, the case has been established. The lack of supply to schools is the case.

Mr. Speaker, because I know other Members are also very bitter on this particular subject, I would like to give them the opportunity to say a few words, and with these few remarks, Mr. Sir, I give the Member for Hamisi my blessing for raising this Motion on Adjournment.

The Speaker (Mr. Slade): Mr. Chillo, assuming the Minister wants ten minutes to reply, there is only three minutes available to you I am afraid.

Mr. Ondiek-Chillo: Mr. Speaker, I think this is a serious occasion.

I remember when the Minister was answering this Question, he told the House it was not his responsibility to see that supplies were made. I thought it should have been the Minister for Works who should have come to the House to answer this.

This is very serious, Mr. Speaker, and I am speaking as an ex-teacher, and I know a school cannot be run without books, without chalk and so on, and I am also speaking as a father. I know when I go back home my children come to me

and ask for Sh. 1 for exercise books, and so on, this is very serious. I feel that if the Minister says that what has hapened is not right, then what he should do is to see that the school fees for this year are reduced. In Central Nyanza where we pay Sh. 90 per annum, we should only pay Sh. 60, because this is what is paid in other districts. This is a serious situation and I do not know why a plan was not made beforehand when the Central Government was taking over the tenders. I do not know where the failure lies. The people and the country at large, are very bitter over what is happening and I hope the Minister will see the schools are supplied with books immediately. This is a great failure which should not be tolerated.

Mr. Speaker, I beg to support.

The Speaker (Mr. Slade): There would only be one minute for you, Mr. Shikuku.

The Minister for Education (Dr. Kiano): I would rather give the minute now rather than later on after my reply.

Mr. Shikuku: Mr. Speaker, Sir, the Minister for Education shelved this responsibility the other day when he said it was not his business to look after the books. Surely it is his business to make sure that the children in this country are educated. They can never be educated unless there are books and so on. For him to say it is not his responsibility is completely irresponsible.

Another thing, Mr. Speaker, the question of the failure of books has come about because they have centralized everything. We do not want this centralization; let the books be handled as they were handled in the past, in the provinces so that we ensure that the books reach the children in time. If we are to pay our fees and then we are not given the equipment, the Government and the Minister for Education, must accept the fact that it is robbing the people of their money without their being given the services. I think this is a very bad accusation, but I think the Minister should bear with this. We want the books to be distributed on a provincial basis, and this question of centralization should be forgotten once and for all, and we have paid the school fees for nothing, and the results this year may be very, very bad as a result of the lack of the equipment.

With these few remarks, Mr. Speaker, I hope the Minister will take it very seriously and let us have these things done as they were done in the past to ensure efficiency and good results.

The Minister for Education (Dr. Kiano): Thank you, Mr. Speaker. I am happy that it was possible for the Chief Whip to whip me in one minute.

[The Minister for Education]

I do not think there is any major disagreement between myself and the Members of the House in establishing a case, which has already been admitted, that there has been difficulties in distributing the books to all primary schools. I do not think there is any argument on that. In my reply, which the Mover of the Motion quoted very faithfully, except in one place, this was admitted. I could inform the seconder of the Motion that it was not a question of establishing a case as to whether schools have suffered or not because that has been admitted as it did happen. As I tried to point out when I was answering this question, I said that although the hon. Member for Butere assessed the situation wrongly, but what happened is that the machinery of the centralized form of distribution was started late in the year. For this reason, they were not able to catch up with the demands for books on time. It is no use the hon. Member for Embakasi trying to assume that I am not interested in the children being properly educated, by not giving them the books on time. This is rather a poor accusation if I may say so. In addition to being the Minister for Education myself, I am the father of six children, four of whom are in school, and one of whom will take her Certificate of Primary Education examination this year. I really could not have any diabolical plot to make sure the children fail at the end of the year. I am really surprised that an hon. Member could have such a dishonourable thought in his mind.

There could also be a case, if I may say so, of too many cooks spoiling the broth. This is something which the hon. Members could argue about without making accusations which cannot stand any argument. What did happen, as I said, is that the Central Tender Board in the Ministry of Works, undertook to supply these books which my Ministry indicated were wanted in schools. To have the necessary personnel, to have the necessary equipment, and to have people to pack them and deliver them was not an easy task because this was started from scratch. It has been suggested by the hon. Mover and also by the hon. Member for Butere, that perhaps decentralization may be the answer. I am not going to say whether it is the answer or not, but the hon. Mover and the hon. Member for Butere should realize they will not be putting me on the carpet if that happened, but it would be the local authorities. I am not trying to run away from the responsibility which I was accused of by the hon. Member for Butere. Even the proposition he is putting forward again takes the matter of distribution away from my Ministry. In both the present and the one he proposes, in both cases, it is he who is trying to

kick me out of this particular job. To be very serious, Mr. Speaker, Sir, we have done a number of things which we hope will improve the situation.

First of all, as I said the last time, the Ministry of Defence has given us additional vehicles. Secondly we have a committee of officers from the Ministry of Local Government, the Minister of Works and from my Ministry to review every week where the books have not yet arrived. We have also now put one officer, whom we transferred from Nakuru to our Headquarters, to be fully in charge of this checking, to make sure the books which are delivered to a given district are delivered to the schools immediately they arrived there. That has also been one of the bottlenecks whereby some of the books have been delivered to some areas, but from there to the particular schools there has been some bottleneck there.

We have this officer full time there just checking because we do not want to see this ever repeated again in our educational system. We think it has been a very tragic situation where some teachers have had to make do with very little equipment. I am sure the people handling this, that is the three Ministries involved, my Ministry selecting the material, the Ministry of Local Government and the Ministry of Works helping us to deliver them to the places, is something we do not want repeated as I said earlier.

It was an attempt to correct a wrong practice which necessitated the change from the highly decentralized system to a centralized one, which caused this situation. It is one which I believe, with practice and the experience we have gained this year, that we will learn from our mistakes and we will be able to streamline the arrangements more effectively in the future.

Mr. Speaker, Sir, one of the difficulties in my Ministry is that practically every Member of the House is an expert on how to run education. Every week and every day I am being given additional suggestions, which I do not in any way resent, but which I do appreciate because the suggestions, are made not from a point of view of political allegations, but because the country wants to make sure that the standard of education is first rate. The absence of books for four, five or six months is, in itself, a deprivation of pupils and the teachers.

Having accepted this has happened in an attempt to put right what was even a worse mistake previously, we can only now hope that the additional personnel who have been put there, and the new arrangement for a full time officer

[The Minister for Education]

for this purpose, and the additional transport which we have been given, will ensure that the mistakes do not recur. This is a matter which I was discussing yesterday with the leaders of the National Union of Teachers in the presence of the Minister for Works, hon. Dawson Mwanyumba. They helped us a lot yesterday afternoon in pointing out some of the places where these bottlenecks may have arisen, and, in fact, we invited them to go to the Ministry of Works with an officer from my Ministry, and an officer from the Ministry of Local Government to examine the system and see if we have improved it since I answered this question, and if the improvements and the attempts to streamline the system are not satisfactory to give suggestions as to how to make it more efficient. They agreed to do this and we are

waiting for their suggestions. I am sure, when they go to examine the system, they will find we have done a lot to streamline the whole thing.

I hope very much, as a parent, that this difficulty will not rise again. I am not too sure that returning to the old system will correct the situation because the system which has prevailed for a long time ended up in being extremely corrupt. I think we had better improve the new system rather than return to the sinful way of yesterday.

ADJOURNMENT

The Speaker (Mr. Slade): Hon. Members we have had our half hour so the House is now adjourned until tomorrow, Wednesday, 11th June, at 2.30 p.m.

The House rose at Seven o'clock.

Wednesday, 11th June 1969

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

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

PRAYERS**COMMUNICATION FROM THE CHAIR****CHANGE IN THE ORDER OF BUSINESS**

The Speaker (Mr. Slade): Hon. Members, I have an informal Communication to make with reference to the business on the Order Paper today. You see that we have down on the Order Paper as Order No. 5 the Committee of the Whole House to deal with The Statute Law (Miscellaneous Amendment) Bill, but also there is notice of several more amendments of the Bill to be introduced in the Committee Stage, which in effect involve further amendment of further laws. In accordance with our Standing Orders, we cannot deal with these further amendments of further laws without hon. Members having copies of the laws concerned as they now stand, and a little time to study them. So we shall not take this on the Order Paper today. I think it would be better, in fact, if it waited until next Tuesday, so that Members have time to see and study the existing laws concerned. Moreover, there is a little confusion, I think, as to the exact amendments proposed, and we would like a little time to sort them out.

Therefore, when we come to Business, we shall proceed immediately to Order No. 6, which is the continuation of the debate on the Affiliation (Repeal) Bill.

NOTICES OF MOTIONS**REPEAL OF THE OUTLYING AND SPECIAL DISTRICTS ACTS**

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

THAT, in view of the fact that colonial rules as contained in Kenya Statute Books Chapter 104 and 105, namely the Outlying Districts Act and the Special Districts (Administration) Act with amendments thereto hinder freedom of political organizations throughout the country as provided by the Republic Constitution, this House urges the Government to repeal these laws in as far as they affect the movement of party officials and agents.

HONOURING AND REMEMBERING THE FREEDOM FIGHTERS

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

THAT, in view of the fact that during our struggle for independence many people were

detained, others imprisoned, many were in the forest and others were engaged in political activities demanding the release of His Excellency Mzee Jomo Kenyatta and his followers, this House urges the Government—

- (a) to make provision to enable these people during the *Madaraka* Day Parade to display themselves in the march past in memory of their activities during the whole struggle, wearing whatever uniforms they used to wear at that time; and
- (b) to appoint a commission of inquiry to investigate and report all existing grievances of these people or their widows or children in respect of what they have suffered as a result of the emergency in Kenya, and to decide what compensation they should now receive.

ORAL ANSWERS TO QUESTIONS

The Speaker (Mr. Slade): Order! Order! Order! Your Question, Mr. Kassa-Choon.

*Question No. 197***INCREASE IN THE ADMINISTRATION POLICE FORCE, WEST POKOT**

Mr. Kassa-Choon asked the Minister of State, President's Office, whether—

- (a) in view of the crime statistics for West Pokot District, the Minister would increase the present number of Administration Police from 51 to 100, and station half at Sigor Administration Centre;
- (b) the Minister would also promise that in the remote areas like West Pokot where sources of employment were rare, he would recruit bright young men from that area.

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

(a) No, Sir. (b) No, Sir.

Mr. Kassa-Choon: Mr. Speaker, Sir, arising from that reply of "No, Sir", and in view of the fact that yesterday in this House the Minister for Home Affairs told us that in Pokot last year, nine people were killed and there have been four killed this year—and, at the same time, about 2,700 head of cattle were stolen by Turkana raiders along the border—this is what I am basing my argument on, Mr. Speaker—will the Minister elaborate more and tell the House why he says "No, Sir", to these two questions?

Mr. M. Koinange: Mr. Speaker, Sir, at the moment, there are enough Administrative Police in the West Pokot district, and together with the Kenya Police Officers, they are doing what should be done to cope with crime in that particular district.

[Mr. M. Koinange]

As to the question of recruiting young men for the Administrative Police from West Pokot, that does not arise because of the existing efficient people. If there is any need for such recruitment, it should not be the demand of the hon. Member that they be exclusively recruited from that particular place. Recruitment should be on the basis of efficiency throughout the country.

Mr. Kassa-Choon: Mr. Speaker, Sir, arising from one of the replies, where the Minister said that there were enough Administrative Police in the area, is he aware that at Sigor Administrative Centre there are only four policemen and they cannot cope with the situation there? This number should be increased.

Mr. M. Koinange: Mr. Speaker, Sir, there has not been crime sufficient to suggest that those people, including the police and other facilities, such as the army, have failed in that area.

Mr. Lorimo: Mr. Speaker, arising from the answers "No, Sir, No, Sir", will the Minister tell me if he is aware that there was an Administrative Police Force at Sigor previously, and when they were removed from the area a lot of trouble developed, and that is why there is a lot of crime in West Pokot, and that therefore the Minister should make sure that we have more Administrative policemen?

Mr. M. Koinange: Mr. Speaker, Sir, I am sorry to hear that the hon. Member, instead of actually asking for fewer police so that he and the Members and the administration could appeal to the people, is almost appealing to make the area a police state. This is very wrong. What he should do is to co-operate, at this moment, with the administration so that tranquility comes to the area.

Mr. Mbogoh: Arising from that reply, Mr. Speaker, will the Minister verify that statement, where he says that the hon. Member wants that area to be a police state because we already know that Kenya is a police state and it is no use refuting it.

Mr. M. Koinange: Mr. Speaker, Sir, I emphatically oppose the remark from the Member that Kenya is a police state.

NOTICE OF THE MOTION FOR THE ADJOURNMENT

MATTER OF REPLY TO QUESTION NO. 197: INCREASE IN THE ADMINISTRATION POLICE FORCE, WEST POKOT

Mr. Lorimo: On a point of order. If the hon. Member will agree, may I raise this matter as a Motion on the Adjournment?

The Speaker (Mr. Slade): Any objection?

Mr. Kassa-Choon: No objection.

Question No. 185

BARINGO FARMERS' TRAINING CENTRE

Mr. Cheboiwo asked the Minister for Agriculture if he would tell the House what was hindering the start on the Baringo Farmers' Training Centre which had been proposed at Sabatia.

The Assistant Minister for Agriculture (Mr. Murgor): Mr. Speaker, Sir, I beg to reply. We are unable to proceed with the Baringo Farmers' Training Centre at Sabatia due to the lack of funds.

Mr. Cheboiwo: Mr. Speaker, Sir, arising from that answer that he is unable to start this Farmers' Training Centre, Mr. Speaker, could the Assistant Minister tell the House what steps his Ministry is taking to see that this Farmers' Training Centre is started soon?

Mr. Murgor: Mr. Speaker, Sir, we have applied to the World Bank for a loan of £84,900 and it is expected that the funds will be available in October 1969, after the final negotiations in Washington in September.

The Speaker (Mr. Slade): Next question, Mr. Kassa-Choon.

Question No. 198

DEVELOPMENT OF POKOT AGRICULTURAL LAND

Mr. Kassa-Choon asked the Minister for Agriculture if he would tell the House—

- (a) whether the Minister was aware that large parts of Kara-Pokot, South of Turkana, and East Pokot (Baringo) were looking to Sigor Division for their food supply; and
- (b) if the answer was yes, what plans had he to survey with a view to making economic use of that vast land between Marich-Pass and Chesekon which was at present lying idle.

The Assistant Minister for Agriculture (Mr. Murgor): Mr. Speaker, Sir, I beg to reply. The answer to part (a) of the Question is, yes, Sir. On (b), actions are already in hand to survey this area with a view to developing it agriculturally.

Mr. Lorimo: Mr. Speaker, Sir, will the Assistant Minister tell us what development is earmarked for this area because we would like to know about it and when it is likely to start?

Mr. Murgor: Mr. Speaker, Sir, we are not aware of any large tracts of land between Marich-Pass and Chesekon, but the area covering these

[Mr. Murgor]

two places, which are 20 miles apart, is suitable for range development. There are also possibilities of minor irrigation schemes which could be established for crops like onions and cotton.

Most of the difficulties encountered in developing this area are due to the reluctance, and I repeat, reluctance of the local people to sell their livestock and agree to change their traditional land-use customs and land rights. It must be understood that if this area is to be developed, the people must agree to sell their cattle which will not only give them cash to purchase things like flour, sugar, tea, and so on, but will free land for agricultural use in the Sigor Division.

Other steps will be taken which could include the use of improved bulls, to give better animals and the construction of dips.

The Speaker (Mr. Slade): Next question.

Question No. 200

MERU WATER SCHEMES

Mr. Thimangu-Kaunyangi asked the Minister for Agriculture if he would tell the House whether he would do something to save the Kianjai and Akithii water scheme in Meru whose pipe had been laid on a self-help basis in 1963 at a cost of about Sh. 200,000 and which was now in a poor state of repair and which unless it was purified, would become dangerous to health.

The Assistant Minister for Agriculture (Mr. Murgor): Mr. Speaker, Sir, I beg to reply. The Kianjai piping scheme was initiated by the County Council of Meru in 1960. They allocated funds from their own resources which were supplemented by a Government grant on a pound for pound basis.

The scheme was installed with the assistance of the water development officials but was handed over to the County of Meru on completion. The county council is responsible for the satisfactory operation and maintenance of this installation. The water is taken from a flowing river and is not treated. If the installation is in a state which needs repair, as the hon. Member suggests, the first step should be to press the County Council of Meru who should discharge their responsibility efficiently.

If the Government were to intervene by taking over this project and bringing it to a state of good repair, the scheme would have to be gazetted and water charges would have to be raised. The Ministry is currently giving consideration to the proposal that schemes initiated by county councils, which do not operate satisfactorily, should be taken over by the water

development division and the policy is expected to be finalized within the next few months. On this basis I think it may well be possible for the water development division to take over the Kianjai water scheme.

Mr. Thimangu-Kaunyangi: Mr. Speaker, Sir, arising from that answer and knowing that this water scheme involves a population of over 30,000 people, and that the amount which was initially spent by the local people through self-help to bring about the installation of this water scheme was so much, would the Minister, or his Ministry, take this as a special case? The Minister says that this water is tapped from a river, but in fact it is tapped from a swamp where there is no purification system of the water and, knowing the danger to the health of the people, would the Minister take this water scheme as a special case and help these people, because, if he does not, there is a danger of some of the waterborne diseases breaking out in the area?

Mr. Murgor: Mr. Speaker, Sir, what we do not want to do is to rob people of their own initiative. If the county council is willing to ask my Ministry to take over, it must start from Meru.

The Speaker (Mr. Slade): Next question.

**NOTICE OF MOTION FOR THE
ADJOURNMENT**

**MATTER OF REPLY TO QUESTION NO. 200:
MERU WATER SCHEMES**

Mr. Thimangu-Kaunyangi: Mr. Speaker, Sir, I would like to raise this Question No. 200 on the Adjournment. I am not satisfied.

Question No. 201

**PROPER PLANNING FOR MITUNTU SETTLEMENT
SCHEME**

Mr. Thimangu-Kaunyangi asked the Minister for Agriculture if he would tell the House what the Ministry was doing to investigate and improve the conditions of Mituntu Settlement Scheme in Meru by advising the farmers on which was the best crop suited for that area and introducing proper farm planning in the scheme.

The Assistant Minister for Agriculture (Mr. Murgor): Mr. Speaker, Sir, I beg to reply. The Ministry has been helping by advising the farmers in establishing cotton as a cash crop and maize and beans as the subsistence crop. Under the scheme of strip cultivation, it is possible to provide machinery if the farmers pay for the services. Agriculturally, Mituntu is ranked as a part of Nyambeni Division where there is one Assistant Agricultural Officer, one Divisional Agricultural

[Mr. Murgor]

Instructor, one Agricultural Assistant and two junior Agricultural Assistants. The two junior Agricultural Assistants work mainly in the scheme under the guidance of the senior staff. For the small schemes, such as Mituntu, much of the staffing is very general.

Mr. Thimangu-Kaunyangi: Mr. Speaker, Sir, arising from that answer that the Ministry is trying to advise these farmers, would the Minister—because I do not agree that the Ministry is trying to advise the farmers—try and establish experimental plots in the area where various crops would be grown in order to find out which ones suit the area? Moreover, would the Ministry help the farmers in the area by bringing Government tractors to try and establish block or strip cultivation of cotton to find out if it would save this scheme which is in a neglected situation?

Mr. Murgor: Mr. Speaker, Sir, the Mituntu Settlement Scheme is in Nyambeni Division of Meru District, and the size of the scheme is 2,809 acres divided into lots of 15 to 18 acres. Since 1965, 170 families have been settling on the scheme. There is some coffee grown in the area and there are other crops grown, including bananas, beans and the cash crop is cotton. *Miraa* is also grown without much support from us.

Mr. Speaker, Sir, this scheme was over-staffed in the first instance and I am satisfied that, if the people of this Mituntu scheme are willing to pay for the services of machinery, my Ministry is willing to send some tractors.

Mr. Thimangu-Kaunyangi: Mr. Speaker, is the Assistant Minister aware that in 1967 the Ministry promised the farmers in that area that they would bring tractors to experiment on blocks of cultivation of cotton, which they did not bring, and that there is no proper farm planning officer to look after that area?

Mr. Murgor: Mr. Speaker, Sir, as I said earlier, if the people are willing to pay for this service of machinery, we are willing to do something and, of course, it is our prime duty to look after the people of Nyambeni who are always welcome. As I said today, if they are willing to pay for the services, we are willing to send out tractors.

Mr. Godia: Mr. Speaker, Sir, arising out of the reply from the Assistant Minister to the effect that he is helping these people to grow cotton, can he tell the House how much cotton was planted last year and how much money was made out of it?

Mr. Murgor: Mr. Speaker, Sir, could the hon. Member speak louder.

The Speaker (Mr. Slade): Would you repeat the question, Mr. Godia.

Mr. Godia: Mr. Speaker, Sir, arising out of one of the replies from the Assistant Minister when he said that cotton was one of the cash crops grow in that area, could he tell the House how much cotton was grown last year and how much money the settlers made out of it?

Mr. Murgor: Mr. Speaker, I did not say that it is the best crop, but I said that it is one of the cash crops which is anticipated will give a good living for the people.

The Speaker (Mr. Slade): Next question.

Question No. 184

ROAD DEVELOPMENT IN KERIO VALLEY

Mr. Cheboiwo asked the Minister for Works if he would tell the House—

- (a) if he could confirm that construction of a road was planned to start from Nakuru through Mogotio, Marigat, Kampi-ya-Samaki, Loruk, Nginyang, Kinyach and other centres in Kerio Valley to Mogorwo through Cheplock etc., and, if so;
- (b) was work on it due to start during this next financial year.

The Minister for Works (Mr. Mwanyumba): Mr. Speaker, Sir, I beg to reply.

No, Sir, I cannot confirm this. The financing of this project is still under discussion, and there is considerable doubt about the economic justification necessary before international financing agencies are prepared to enter into a loan agreement.

It is probable that a Squadron of Royal Engineers will be available next financial year to carry out some work on this road as part of their training programme.

Mr. Cheboiwo: Arising from that answer, Mr. Speaker, may I know the reason why the Minister is doubting the economic justification, as he said, and yet we have plenty of fish at Kampi-ya-Samaki, and we have plenty of fish at Lake Rudolph, and livestock, cattle and timber from the forests which are along this road, and yet he says that he is not yet satisfied.

Mr. Mwanyumba: Mr. Speaker, Sir, plenty of fish in the area does not justify the construction of a road. I have said that we are still discussing this matter and we are still trying to convince donors from overseas, but we are doubtful whether they will accept this as an economic justification.

The Speaker (Mr. Slade): Next question.

Question No. 216**MAINTENANCE OF ROADS IN NYAKACH**

Mr. Ondiek-Chillo asked the Minister for Works if he would tell the House why the following roads in Nyakach were being neglected:—

- (a) Katito-Nyakwere;
- (b) Kusa-Nyabondo; and
- (c) Onyuongo-Gabsarch.

The Minister for Works (Mr. Mwanyumba): Mr. Speaker, Sir, I—

The Speaker (Mr. Slade): You can leave it and come back to it, Mr. Mwanyumba.

Mr. Mwanyumba: Mr. Speaker, I seem to be confused with my papers, so can I leave it?

The Speaker (Mr. Slade): We will leave it for the moment and come back to it after you have sorted out your papers. Does the same apply for the next two questions, Mr. Mwanyumba?

Mr. Mwanyumba: No, I have those.

The Speaker (Mr. Slade): All right. Mr. Chillo, your next question then.

Question No. 217**OPENING OF NYAKWERE BRIDGE AT MIRUI**

Mr. Ondiek-Chillo asked the Minister for Works if he would tell the House—

- (a) when the Nyakwere Bridge at Mirui was going to be officially opened; and
- (b) why had the construction work on the bridge been stopped for the last five months.

The Minister for Works (Mr. Mwanyumba): Mr. Speaker, Sir, I beg to give the following reply.

This question has come up in this House several times, Mr. Speaker, and we have tried to give an answer to the hon. Member, but this does not seem to have satisfied him.

I would like to tell the hon. Member that this work is due for completion within some 12 months from now. The reason for the delay has been due to the necessity of redesigning the bridge; and this has caused the delay on construction work.

Mr. Ondiek-Chillo: Mr. Speaker, arising from that answer where the answer I am given in (a) and (b), he says that there are two reasons which necessitated the stoppage of work. Namely, to allow for redesign of the bridge and, secondly,

tree trunks, and large boulders, etc.; could the Minister tell the House which is which and which actually made the work stop, because here I am given two reasons and, in fact, the Minister only mentioned one?

An hon. Member: What is the matter with him this afternoon?

Mr. Mwanyumba: Mr. Speaker, the main reason is, as I said before, it became necessary to make new designs because of the constitution of the river bed. The engineers could not sink foundations there because of the boulders in the river bed. I would like to take this opportunity, Mr. Speaker, to assure the hon. Member that we are more anxious to construct this bridge than perhaps he is, and I have personally sent engineers there to investigate on the spot as to what is holding up the construction of this bridge. I am quite satisfied that it is not anybody's fault that the construction work has been delayed. We are trying to push ahead as fast as possible. We want to construct a permanent bridge which will not be washed away by the rains and we cannot, therefore, be pushed by the hon. Member merely because he wants to make it a sort of election propaganda.

Mr. Ondiek-Chillo: On a point of order, while this bridge is not in my constituency but is between the two districts, is the hon. Minister not actually insinuating an improper motive to me as far as an electioneering campaign is concerned? This is not in my constituency.

The Speaker (Mr. Slade): I do not think it helps if, during the remaining months of the life of this Parliament, every effort made by every Member in this House is attributed to electioneering. It may be that, with the impending dissolution of this House, Members get a little bit more active than before in the interest of their constituents, but I would ask hon. Members to refrain from this sort of regular imputation of electioneering, particularly when the hon. Member says he is raising a matter which is not in his own constituency. You have a further question Mr. Chillo?

Mr. Ondiek-Chillo: Arising from the Minister's answer Mr. Speaker, here it is said that there will be a re-design for a single span bridge. Does it mean that the bridge is going to be constructed at a different spot or will it be a continuation of the present bridge where it is being constructed?

Mr. Mwanyumba: Mr. Speaker, Sir, design work and investigations are still going on, and, until the engineers finish their work, I cannot tell whether it will be exactly on the same spot or in a slightly different place.

*Question No. 218***EFFECT OF HEAVY VEHICLES ON KENYA ROADS**

Mr. Khaoya asked the Minister for Works if he would tell the House—

- (a) was it not true that Kenya Roads had not been constructed to withstand the extraordinary long and heavy vehicles now using the roads;
- (b) what remedial measures was the Government taking;
- (c) whether, by allowing such vehicles on the roads, this did not constitute a breach of the terms under which loans for road development were normally given to the country.

The Minister for Works (Mr. Mwanyumba): Mr. Speaker, Sir, I beg to reply. It is true that not all Kenya roads constructed in the past were constructed to carry vehicles up to the limits set forth in the Traffic Act.

The Government is taking measures to enforce the provisions of the Traffic Act. Until overweight vehicles are modified to conform to the law, they are permitted to carry only a reduced payload.

This is so. However, I should make it clear that International Financing Agencies are fully satisfied with the action the Government has taken to enforce the law, and that there is no question of the Government being in default on its agreement with those agencies for road development financing.

Mr. Khaoya: Mr. Speaker, Sir, arising from the Minister's reply, and since the Government knew that the vehicles, which actually are the size of a train, were so huge and that their weight was so much that our roads could not carry them, what induced the Government to give licences to these big vehicles? Why, and who imported them?

Mr. Mwanyumba: It is true that some vehicles were exempt from this Traffic Act some time back in 1967/68, but that was a mistake which has since been rectified. Therefore, we have to stick to the present Act, and we are glad to say that transport operators are sticking to the law.

Mr. Kibuga: Arising from some of the replies from the Minister, could the Minister tell us exactly why certain vehicles were exempt from the provisions in question?

Mr. Khaoya: Answer that my dear. Is it because of any inducement or what?

Mr. Mwanyumba: Mr. Speaker, Sir, my Ministry is not responsible for the licensing of vehicles and, therefore, I cannot, at this juncture, give any

reason why some were exempt from the provisions of this Act. But I have said that this matter has been rectified and every operator who—

Mr. Khaoya: On a point of order, Mr. Speaker, is the Minister not misleading the House by trying to absolve his Ministry from that joint responsibility of the Government over any function of the Government by saying that his Ministry was not responsible for the licensing of the vehicles?

The Speaker (Mr. Slade): It is desirable, when a question is asked, that the Minister whose main responsibility is to answer should try to answer every question likely to arise, including those belonging to other Ministries. Of course, question on licensing were likely to arise in this question. If the Minister has not, as it were, had his brief from the other Ministry concerned, it may be he just cannot answer today. Has the Minister finished speaking?

Mr. Mwanyumba: Yes, Sir.

Mr. Mwalwa: Would the Minister not agree with the House that what is now needed is to get improvements to these vehicles, now that most of the transporters are Africans? May I repeat the question? In view of the fact that most of the transporters are Africans, and in view of the fact that we want to Africanize all the businesses, what is required now is to get these vehicles improved rather than stopping transporters using these main roads.

Mr. Mwanyumba: The transporters have not been refused from operating these vehicles provided they can conform to the law. The Government has required that all transporters—without regard to whether they are Africans or otherwise—have to conform to the provisions of the Traffic Act and, as I have said, we are glad to note that many have already adhered to the requirement of this Act.

The Speaker (Mr. Slade): Next question. Mr. Godia.

NOTICE OF MOTION FOR THE ADJOURNMENT

MATTER OF REPLY TO QUESTION NO. 218: EFFECT OF HEAVY VEHICLES ON KENYA ROADS

Mr. Kibuga: May I raise this on a Motion for the adjournment with the permission of the Questioner?

Mr. Khaoya: Mr. Speaker, I will object on the ground that I will be raising it myself.

The Speaker (Mr. Slade): That is the only ground on which you could object.

ORAL ANSWERS TO QUESTIONS

*Question No. 222*WIDENING OF BRIDGES: ELDORET-SOY-HOEY'S
BRIDGE-KITALE

Mr. Godia asked the Minister for Works if he would tell the House if he would consider widening these bridges:—

(a) Eldoret-Soy Bridge;

(b) Hoey's Bridge-Kitale Bridge.

The Minister for Works (Mr. Mwanyumba): Mr. Speaker, Sir, I am surprised to get this Question from the hon. Member asking about these bridges, because I should have felt that the hon. Member, being interested in what is being done, would have seen the work already being done on these bridges.

Mr. Godia: Mr. Speaker, Sir, arising out of the reply from the Minister, could he tell the House what progress is going on as regards widening these bridges?

Mr. Mwanyumba: Mr. Speaker, would I be in order to ask the hon. Member to go and see for himself what is being done by the Government on these bridges.

Mr. Shikuku: Arising from that reply, where the Minister insists that the Member should go and see what is being done, is he aware that I was there last week—and now I am referring to (b) Hoey's Bridge-Kitale Bridge—and I saw nothing being done?

Mr. Mwanyumba: Mr. Speaker, I do not agree with the hon. Member.

Mr. arap Too: Mr. Speaker, Sir, now that the construction, or widening of this bridge is being done by the Government, will the Minister tell us when the work is going to be completed?

Mr. Mwanyumba: Mr. Speaker, this work is being done, and it will be finished when it is finished.

*Question No. 173*EDUCATIONAL QUALIFICATIONS FOR HOTEL
EMPLOYEES

Mr. Munyi asked the Minister for Labour if he would tell the House—

(a) if the Minister was aware that some hotels had advertised staff vacancies for candidates with secondary school education;

(b) whether he did not consider, as a matter of policy, that the minimum educational qualifications for waiters should be at the Certificate of Primary Education level.

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

(a) There is no legislation that prohibits employers from advertising vacancies of from setting whatever requirements they wish to attach to each post. This being the case, it does not surprise me to hear that hotel owners have advertised jobs and have also stated the qualifications they require. However, all private firms have been urged, through the Federation of Kenya Employers, not to advertise jobs that can go to secondary school leavers and to use the Kenya-ization of Personnel Bureau instead.

If all recruitment for secondary school leavers was centralized, the present wastage of training facilities and the endless migration from one employer to another would be stopped.

(b) I am not aware of any hotel owner who requires secondary school education for a waiter's job. I do know, however, that in recent months, various hotel owners have been looking for trainees with secondary school education for sponsorship in management courses now being offered by the Kenya Polytechnic, and for which secondary education is a reasonable requirement.

Mr. Munyi: Mr. Speaker, Sir, arising from one of the answers given by the Assistant Minister, and arising from the fact that the Assistant Minister is not aware of what is going on, is the Assistant Minister aware that in the hotel which is opposite, or next to Parliament, people who are at present serving as waiters are those who qualified with a Second Division of the East African School Certificate? In fact, there are also those who obtained a First Division who are also working there as waiters.

Therefore, it is high time that this should be reviewed because he is saying that they are being taken on management courses, whereas it is high time they—

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

Mr. Kubai: Mr. Speaker, as I have said, after considerable persuasion, hotel owners have now agreed to sponsor citizens for management training with a view to offering them management posts in the hotel industry. The first courses have now begun at the Kenya Polytechnic for this kind of work. Secondary school education is a reasonable requirement for this.

Indeed, in many countries today, Sir, a degree or its equivalent is required for the top posts in sophisticated hotels and Kenya, with its interest in tourism, must aim at the highest standards possible in its hotels.

[Mr. Kubai]

So, Mr. Speaker, Sir, as most of the hotels would like to have a high standard of service, it is also agreed that such trainees must be given practical training in all aspects of hotel work, including kitchen and table-waiting.

Mr. Shikuku: Arising from that reply, Mr. Speaker, will the Assistant Minister not tell the House that this demand for higher qualifications for such low jobs is a method applied by those in the industry in order to keep away the Africans from going up to the managerial posts? Is that not why they want to keep them as low as possible? Is he not supporting that you can be a waiter without having a Cambridge School Certificate? Some of us have travelled around and we know. We know that some fools can even be waiters.

Mr. Kubai: Mr. Speaker, Sir, to go back to the Inter-Continental Hotel, this is not really a requirement by the hotel to have such educational standards. It is the workers themselves who wanted to be employed as such.

They are training to take over other jobs and it is good for them to do what they are doing now, because, eventually, they will rise to high executive posts in the hotels.

Mr. Gatuguta: Mr. Speaker, Sir, would the Assistant Minister ensure that this type of hotel and other institutions recruit their employees either from the Kenyanization Bureau or the Ministry of Labour in order to avoid brotherization and tribalism in these hotels?

The Speaker (Mr. Slade): That is another question. In fact, it is the same as another question which is coming up, I believe.

Question No. 171

AMENDMENT TO THE MINING ACT TO HELP AFRICANS

Mr. Munyi asked the Minister for Natural Resources if he would tell the House—

(a) when a Bill would be brought to the House in order to amend some clauses in the Mining Act which discouraged citizens from prospecting for minerals freely;

(b) what plans were already under way to help Africans take an active part in the mining industry.

The Minister for Natural Resources (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply My Ministry, in conjunction with the Office of the Attorney-General, is currently engaged in an exercise to revise Kenya's mineral legislation to

bring it in line with the Constitution. As soon as this exercise is completed, the necessary amending legislation will be laid before this House.

In so far as prospecting is concerned, the Cabinet has, in fact, authorized the drafting of a disc claim clause to be added to the Mining Act to facilitate certain prospecting rights and this is now in the hands of the Attorney-General. I would like to point out, however, that freedom of prospecting is not entirely governed by the provisions of the Mining Act.

(b) With regards to Africans, they are participating in the mining industry, and I am pleased to say that there is already a very active participation in this. The industry currently employs 5,000 Africans in mining and quarrying, and some 30 wholly owned African companies and partnerships are engaged in prospecting and the development of the mining locations.

Mr. Munyi: Mr. Speaker, Sir, arising from one of the answers given by the Minister, is he aware that because of this colonially orientated law, that, at present, Kenya does not have minerals of any importance, and if this law was eliminated, then Kenya would today have already have been in a position to produce minerals of importance which would have given us financial support which would have been higher than what we get from agricultural products? Therefore, it is high time that the Minister, in agreement with the Office of the Attorney-General, should do something to bring an amendment to this House rather than telling us that he will bring this in future. He should tell us when this will be, if it will be tomorrow or in the future. He should tell us when because if it is tomorrow, then that is better for the prospectors, and the better for the industry of this country, and the Minister should tell us today.

Mr. Nyagah: Mr. Speaker, Sir, I do not know how to treat that: whether it is question or an oratory exposition.

However, whatever it is, Sir, I still would like to know what is meant by "minerals of importance"; whether these are one of the rare minerals that the world has, which is considered to be a mineral of importance or whether it is the quantity, I am not sure.

If it is a question of one of the rare minerals in the world, we have one and we have people working on it. They have only just started. We have just started this and hope that in due course the country will reap the benefits of this.

If it is a question of working with the Attorney-General's Office, I have already said that the matter is being worked out between the Attorney-General's Office and my office. A complete portion

[**Mr. Nyagah**]

of it is with the Attorney-General's Office. If it is a question of telling the Minister what to do, I am indeed surprised that the hon. Member brings this matter to the House when he was in my office less than a fortnight ago, and I thought I had satisfied him that we were moving in the right direction.

Question No. 221

INCLUSION OF SWAHILI IN HIGHER SCHOOL
CERTIFICATE SYLLABUS

Mr. Omweri asked the Minister for Education why Swahili was not included in the Higher School Certificate Syllabus as a subject.

The Assistant Minister for Education (Mr. Khasakhala): Mr. Speaker, Sir, I beg to reply. Swahili has not been included in the Higher School Certificate syllabus yet because the examining body—that is, the University of Cambridge Local Examinations Syndicate—does not have it on its syllabus. However, the newly-formed East African Examinations Council is already working on a Swahili syllabus for Higher School Certificate.

Mr. Omweri: Mr. Speaker, Sir, would the Assistant Minister tell this House when the syllabus being worked on by the East African Examinations Council will be introduced? Is it this year or next year, and will he assure the House that the same council is doing this work also for Bachelors' Degrees, for those who want to do literature?

Mr. Khasakhala: Mr. Speaker, Sir, the hon. Member will agree with me it will not be possible to do Swahili at Higher School Certificate before the syllabus is ready for the teachers to use it. However, if it is finished this year, the syllabus will be started next year, and in two years' time the work will have been completed.

Mr. Omweri: Mr. Speaker, Sir, the last part of my question was: would the Assistant Minister tell this House whether the same council is preparing a syllabus to help those doing literature at degree level?

Mr. Khasakhala: That is a university matter, and it will be looked into differently.

The Speaker (Mr. Slade): We come back to Mr. Chillo's first question.

Question No. 216

MAINTENANCE OF ROADS IN NYAKACH

Mr. Ondiek-Chillo asked the Minister for Works to state why the following roads in Nyakach were being neglected: Katito/Nyakwere; Kusa/Nyobondo; Onyuongo/Gab-sarch.

The Minister for Works (Mr. Mwanyumba): Mr. Speaker, Sir, the reply is simple, because all the roads mentioned by the hon. Member are the responsibility of the local authority, and if the hon. Member would like to see them improved, I suggest that he sees the local authority concerned.

Mr. Ondiek-Chillo: Arising from that answer, if the Minister is not responsible for answering the question, why was it not answered by the Minister for Local Government who is responsible for such county councils, because people cannot be asked to pay graduated personal tax if the services are not implemented.

Mr. Mwanyumba: Mr. Speaker, Sir, the question of maintaining roads—I have said this many times—is being re-examined by the Government, and until we reach some conclusion, it is difficult for us to give half-hearted answers to hon. Members which arise from time to time in different places.

The Speaker (Mr. Slade): We will come back to Mr. Nyaberi's Question.

Question No. 193

DIGGING OF TRENCHES: SOTIK SETTLEMENT
SCHEMES

Mr. Makone, on behalf of Mr. Nyaberi, asked the Minister for Lands and Settlement why plotters in some settlement schemes in Sotik had to labour themselves in order to construct trenches for water systems to their homes, while in other schemes those labour charges were being paid by his Ministry.

The Assistant Minister for Lands and Settlement (Mr. Malinda): Mr. Speaker, Sir, I beg to reply. The cost of water reticulation is met by the co-operative society of a particular scheme, and not the Ministry. To keep the cost of construction of water reticulation in a particular scheme to the minimum, my Ministry encourages settlers to dig trenches on a self-help basis in the spirit of *Harambee*. This saves a lot of money—

An hon. Member: Whose money?

The Assistant Minister for Lands and Settlement (Mr. Malinda): This saves a lot of money for the co-operative society of that particular scheme.

In a scheme where the settlers do not agree to dig trenches on a self-help basis, an approved contractor is given the work of digging trenches, and the charges for such digging are debited to the co-operative society of that scheme.

Mr. Makone: Mr. Speaker, is the Minister aware that he has not told the House where the money comes from? Does it come from the

[**Mr. Makone**]

produce sold by the co-operative, or does the Ministry pay on behalf of the co-operative society and then the co-operative society pays it back?

Mr. Malinda: Mr. Speaker, Sir, we give loans to settlement co-operative societies for this purpose, and any work which is done for money is debited to that account, and the money is taken out of the loan which has been approved for the particular co-operative society.

Mr. Omweri: Mr. Speaker, Sir, would the Assistant Minister tell this House what he is doing to see that all the societies in the Sotik Settlement Schemes are given the loan to which he has referred, because the Isoge Scheme has not had any loan for water reticulation.

Mr. Malinda: Mr. Speaker, I think that question is slightly different, because the hon. Member is asking for a loan for a co-operative society which has not approached my Ministry, and which has not had water reticulation plans approved by the hydraulic engineers.

QUESTION BY PRIVATE NOTICE

GRANT TO SOUTH NYANZA COUNTY COUNCIL FOR TEACHERS' SALARIES

The Speaker (Mr. Slade): Now we come to the Question by Private Notice.

Mr. Ngala-Abok: Mr. Speaker, Sir, I wish to ask the Minister for Local Government the following Question by Private Notice:—

Why can the Government not give any remaining grant to the County Council of South Nyanza in order to help pay the teachers' salaries which are long overdue and which are now causing a great deal of suffering to the teachers.

The Assistant Minister for Local Government (Mr. Munoko): Mr. Speaker, Sir, I beg to reply. The South Nyanza County Council has already been paid all grants due to it up to and including the 31st May 1969. The council had only a balance of £14,000 due to it as Government grants for the month of June 1969, and this sum has already been despatched.

It must be pointed out, however, that the council owes Government between £32,000 and £35,000 in respect of school equipment, and about £37,000 as reimbursement for health services and seconded staff. It also owes £185,945 as temporary loans due to the Local Government Loans Authority. There is also £12,750 due from the council in respect of loan charges to the Local Government Loans Authority to the 30th June 1969.

My Ministry, Sir, is informed, though, that the prementioned sum of £14,000 recently made available to the council is inadequate to meet the

teachers' salaries bill for the month of May which amounts to over £30,000. At the end of May 1969, my Ministry applied to the Treasury for consent to make an advance to the Teachers' Service Commission under section 17 (3) of the Teachers' Service Commission Act, in order that the teachers' salaries at South Nyanza would be paid. This application to the Treasury is still being considered.

Mr. Ngala-Abok: Mr. Speaker, Sir, is the Assistant Minister aware that teachers have been placed in a position throughout Kenya more or less like that of civil servants, and therefore their salaries should be paid directly by the Central Government? They should not be connected with the county councils, because this is causing frustration.

Mr. Munoko: Mr. Speaker, the employer of the teachers is the Teachers' Service Commission. The local councils act as agents merely to pay them.

Mr. Onsando: Mr. Speaker, Sir, arising from that reply, would the Assistant Minister tell the House whether the council, as the agent of the Teachers' Service Commission, is authorized to discharge teachers who are not their employees?

Mr. Munoko: Mr. Speaker, I do not think any teachers have been discharged of late because there is provision that teachers will not be discharged.

Mr. Ngala-Abok: Mr. Speaker, Sir, will the Assistant Minister assure the House that all the same, regardless of all the difficulties, the teachers in South Nyanza will get their salaries immediately for the month of May, whether there is delay in the Finance Ministry in replying to the letter asking for more money or not? Will the teachers get their salaries immediately, because it is not the teachers' fault?

Mr. Munoko: Mr. Speaker, Sir, the teachers will get their money when it is available.

Mr. Ondiek-Chillo: Arising from the Minister's answer, could he tell the House why it was not felt possible for the Ministry to make prior arrangements, bearing in mind that the South Nyanza County Council was in financial difficulties, so that the money which is now being requested from the Treasury, would be released in time, and then the teachers would be paid promptly?

Mr. Munoko: Mr. Speaker, as I said, my Ministry has already made £14,000 available to the South Nyanza County Council to pay its teachers, but the other amount which we are asking the Treasury to approve is a last resort, and could not be taken earlier than this.

Mr. Sijeyo: Mr. Speaker, Sir, arising from the Assistant Minister's answer, would he tell this House why the Government has money to pay on top of the Ministers' salaries, when the teachers cannot be paid?

The Speaker (Mr. Slade): No, no, that is not relevant.

Mr. Sijeyo: Why is it Ministers first?

The Speaker (Mr. Slade): That may be discussed some other time, but it is not relevant to this question.

NOTICE OF MOTION FOR THE ADJOURNMENT

DISCRIMINATION OF OPERATORS OF TRADE LICENSING ACT

The Speaker (Mr. Slade): Hon. Members, I would remind you that on the Adjournment today, Mr. Pandya is to raise the matter noted on the Order Paper.

POINT OF ORDER

CRITICISM OF JUDGES: CAN ONLY BE RAISED BY SUBSTANTIVE MOTION—NOT RAISED UNDER S.O. 20

Mr. Munyi: On a point of order, Mr. Speaker, under Standing Order 20, I would like to raise a matter of national importance, which has enraged not only the hon. Members in this House, but also the entire public. The point is the sentence which has been given to the most notorious killer, John Ashworth, who was only sentenced to five-and-a-half years imprisonment, when he should have been sentenced to death. This is a very serious matter, Mr. Speaker, and—

The Speaker (Mr. Slade): Order! Mr. Munyi is seeking to raise under Standing Order No. 20 something that he cannot raise at all, except by substantive Motion, and that is criticism of the actions of Judges on the Bench. There is no question of it being raised under Standing Order No. 20; it can only be raised by substantive Motion.

Mr. Munyi: Point of order, Mr. Speaker.

The Speaker (Mr. Slade): No more on that.

Hon. Members: Bring a Motion.

BILL

Second Reading

THE AFFILIATION (REPEAL) BILL

(Attorney-General on 10th June 1969)

(Resumption of debate interrupted
on 10th June 1969)

The Speaker (Mr. Slade): Mr. Mwithaga was speaking, but he is not here. Mr. Mboya.

Mr. Sijeyo: On a point of order, Mr. Speaker, I am seeking your guidance as to whether Ministers should not wait and speak after Members have spoken to give their opinion on this particular issue. This is a crucial matter.

The Speaker (Mr. Slade): It is entirely at the discretion of the Speaker as to who catches his eye and at what stage, and it is not usual to challenge that discretion.

Mr. Omar: Mr. Speaker, Sir, would I be in order to ask the hon. Minister who is going to speak on this Bill, whether he is going to speak as a Minister, or as the Member for Kamukunji?

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, the hon. Member who has just sat down knows that I am the last person to be confused in what I say in this House, except in his case maybe.

Mr. Speaker, the Bill before the House, has evoked a lot of interest in the country, and I fully understand the reason for some of the debates that have been taking place in the newspapers, and also the reaction that I noticed was apparent in the House yesterday.

Mr. Speaker, I would like to say that, in my view, some of the debates that have been taking place, have been misplaced and irrelevant. The question is not whether we are for or against the women, nor is it a question of whether we defend the men. The real issue here, and essential point of concern, is the children. This is what I would like to concentrate on, rather than on some of the points that have been made in the newspapers and some of the issues that have been raised elsewhere.

This House, and I think the country at large, believes that Government is right in repealing the Affiliation Act. The repeal of the Act, I think it should be explained, does not imply that Government does not now recognize the need for an Act which would protect, and only protect, the children. There is need, Mr. Speaker, for an Act that should protect the children, and I think it is unfortunate that in repealing the Bill, we are not able simultaneously to introduce another Act, a new Act to take its place. I do hope, however, that the work that is being done—because perhaps the hon. Members are not aware of this, and when the Minister for Co-operatives and Social Services speaks later, maybe he will have more to say on this—on a new Bill to take the place of the Bill which is being repealed, will be expedited, because my fear is that if there is too long a period between the repeal of this Bill and introduction of

[The Minister for Economic Planning and Development]

a new one, that we might create new problems, and which may have serious consequences on the situation that we are trying to deal with.

Mr. Speaker, Sir, very briefly, the reasons that leads us to support the repeal of the Affiliation Act as it stands today, is that it has a number of obvious weaknesses, and it has not, in its application, functioned as originally intended. One aspect of the weaknesses, is that the Act has in its application in the Courts, tended to concentrate—

Mr. Karungaru: On a point of order, Mr. Speaker, Sir, is it in order for that door to be opened as it is opened now?

The Speaker (Mr. Slade): It should not be allowed but I should not interrupt on it as a point of order.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, the hon. Member would have done a great service by going to close it instead of raising it on a point of order.

Mr. Speaker, Sir, the point I was making before I was interrupted, was that the Act, as it stands now, in its application, has tended to imply that in every case, where a woman has an illegitimate child, that the guilty party is always a man, and it has always been the case that the men are taken to court. This may be quite correct in a number of cases, but the assumption moves us away from the real intention of the law: that is for protecting the child, and leads us to an area which is very doubtful, and that is of punishing the man. The idea that we must have in mind, is not so much punishing the man, but providing for the child. The arguments that we find in most of the court cases, are so far only dealing with the punitive aspect of the men involved. Arising from this, Mr. Speaker, the Act has failed to recognize the part played by the women, nor has it sufficiently recognized the responsibility of the women where a child is concerned. It is necessary in the new Bill to ensure that the responsibility is equitably distributed to those concerned—the man and the woman—so that in dealing with the protection of the child, it should be provided in future, that the man concerned has a responsibility as well as the woman concerned. Where a woman has a salary or other means, she is equally required to provide for the maintenance of the child. This should, Mr. Speaker, really bring this matter to where it belongs, which is concerned with the child, and not merely with awarding punishment, or judging the guilt or otherwise of the persons concerned.

The second weakness of the present Act, is that by its construction and application, at the moment it seems to assume that in every case, custody of the child must be with the mother, so that the man although called upon to pay for the maintenance of the child, say, for 16 years, merely helps to support the child, but the mother has custody of the child. This again raises a number of questions. Firstly, whether it is right, in the first place to assume in every case that the mother must have custody of the child, and, secondly, whether it is right, to assume in every case, that the function of the man is merely to maintain the child, so that the woman will reap the benefit when the child is a grown up person. This, Mr. Speaker, is a very questionable principle, and one which must be put right in any future legislation. If we were to apply most of the tribal traditions to this problem, it will be found that in the majority of cases, the assumption will always be that in a case such as this custody of the child would lie with the father and not the mother. If a man is required to maintain a child for 16 or 17 years, then surely there is a right for the man to expect, at least, some equity in determining custody of the child. This, Mr. Speaker, is a point which would need to be decided and provided for in the new legislation.

The third point that needs to be taken into account, is the present state of affairs where relatives and so-called guardians of the woman are permitted to bring cases to court against the man. This may be right where the woman, or the girl, has no parents, but it is becoming increasingly clear that in many cases some of the girls who have parents and who have stable homes but live with relations, say, in Nairobi, or some other part of the country, have been exploited to the point that relatives bring up cases on their behalf, bringing them in as witnesses, and in some cases without the knowledge of their parents. Something needs to be done to ensure that the kind of exploitation, or obvious misuse or abuse of the Act, will not take place in the future. Everything possible should be done, except for cases where minors are involved, to remove this aspect of relations, whose relationship with a woman is sometimes very doubtful, being allowed to take up cases on behalf, or in the name of the girl or woman concerned. The parents have a right in these matters and they should be recognized by law; but to what extent relations should be recognized, and how distant that relationship should be, is a matter that must be properly defined, because it can lead—and it has, in fact, in some cases, led—to serious doubts being expressed in the application of the law.

[The Minister for Economic Planning and Development]

The fourth point, Mr. Speaker, is on the nature and the size of the award that is given by the courts. In most cases we find that the precedent has been created in the courts today to award costs in terms of monthly payments. You find a person who is committed by the courts to pay, say, Sh. 100 or Sh. 60 per month for the next 16 years. Now, Mr. Speaker, there are two weaknesses in this approach. The first one is that the value of money cannot remain the same for the next 16 years. Therefore, what is Sh. 60 today would, in fact, perhaps be Sh. 30 in 16 years' time. This is not provided for in the law. The second point is that it is very doubtful that there is equity in providing for this kind of cost payment where we cannot be assured that the person concerned will have steady employment or source of income for the next 16 years. If a person fails to continue in employment during this period, he runs into difficulties and maybe he defaults; and when he defaults, then he is held in contempt of court. This is an aspect which needs to be gone into.

Mr. Speaker, Sir, we are all anxious to provide for the children but it must be, I think recognized, that we must not have a situation in which a person, for example, who has his own family, maybe with six children of his own, has to pay more from his salary for a child—for this kind of child—than he has left to use for his own children. This creates the situation where the illegitimate child is much better off than children who are born in natural homes. That is a weakness in the Act which needs to be put right. We should be concerned with protecting the children and we should try to find an arrangement, or a new provision, which will cover this particular aspect of the situation.

Now, Sir, my other point is the question of jurisdiction. At the moment most of these cases are left to what used to be the African courts and what today are lay-magistrates' courts. It is, I think, for consideration whether this is the right jurisdiction for all these types of cases. There are, I think, good arguments for considering putting these kind of cases under different jurisdiction, perhaps a higher jurisdiction so that some of the legal and technical questions can be dealt with, perhaps, more effectively and more properly.

Mr. Speaker, these various points that I have made are some of the reasons why one would feel justified that the Act, as it exists in its present form, needs to be repealed or, at any rate, needs to be very drastically amended.

Now, it is, Mr. Speaker, as I have said, necessary, in thinking about replacing the Act—as I have already indicated there is, in my view, a sense of urgency in bringing us immediately a new Act to replace this one, and we must think of the children. In trying to do this I have, I hope, indicated the lines of thought which we might bring into the new Act on which we are now working.

Mr. Speaker, we should look at some of the traditional approaches to the problems of children in this type of situation. We must recognize that although the urban population is articulate, and although we might be discussing this very much with the influence of what happens in Nairobi in our minds, that only 8 per cent of our population live in the urban areas; the majority are still in the rural areas. In the new Act it is necessary to take this fact seriously into consideration. We should not merely aim at a law that is based on solving the problems in the context of urban conditions. In fact, what I would like to see done is to apply more of the traditional approach to this problem.

I am aware, Sir, that there are certain problems with regard to carrying on some of our traditional approaches to this problem. I am aware that there is a changing situation and that we cannot expect, for many years to come, families to take in children and look after them as they did in the past because of changing conditions. However, I feel that there is a possibility of modernizing some of our traditional approaches to fit into the problem. For example, the question of the custody of the child should be looked at more from the traditional point of view. If women who have had children insist on the custody of those children, then they must also accept the responsibility for those children; but if they are not willing to accept the responsibility of those children, then they must not insist on the custody of the children.

Hon. Members: Hear, hear.

The Minister for Economic Planning and Development (Mr. M'boya): I hope, Sir, that this applause means that the hon. Members are agreeing that in the new Act, in every case where a woman files—

An hon. Member: Which Act?

The Minister for Economic Planning and Development (Mr. M'boya): Which is coming—the men responsible will be prepared—

Mr. Mbogoh: On a point of order, Mr. Speaker, the hon. Minister has been talking of a new Act just now. Yesterday when the Mover

[Mr. Mbogoh]

moved this Bill, he never mentioned anything like a new Act; now do we take the words of the present Member speaking or do we take the words of the Mover of the Bill?

The Speaker (Mr. Slade): Order! Our Constitution provides for collective responsibility of Ministers, which means that the whole of Government accepts responsibility for anything which any Minister says on matters of policy.

Mr. Mwithaga: Mr. Speaker, Sir, in view of your ruling, and in view of the fact that there is collective responsibility on the part of our Ministers, what happens when one Minister gives the House an assumption on one given issue and then another Minister gives us a definition? What happens? He defines it.

The Speaker (Mr. Slade): Order! If there is any apparent conflict between Ministers as to the policy of Government, no doubt it will be ironed out before the end of the debate.

Mr. Shikuku: Mr. Speaker, I thought you gave a ruling some time ago in this House that it is not in order for somebody to anticipate debate on a Bill to come; is it in order for the Member now speaking to anticipate the debate on a Bill to come?

The Speaker (Mr. Slade): What Mr. Shikuku is referring to is anticipating a debate which is going to occur in the immediate future because of notice of Motion already given. We have no Bill yet even published which would be anticipated in this debate.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, I would have thought that the hon. Members would at least have been appreciative of one point, or two, one is that it is necessary, and I think the House would require it, that when the Bill comes before the House for the repeal of an Act they should have full reasons why this is being done and when we know there are so many questions about what happens next, they should be given every opportunity to know what our thinking is on what happens next. That is all I am trying to do.

The Attorney-General in his speech yesterday did not say anything which is in conflict with what I have said. In fact, I am reaffirming some of the forward thinking which has been made by Government since yesterday, and which we are defining more quickly today.

Mr. Speaker, another reason is that it would help us greatly to have the reactions of both the House and the public on some of the ideas we are putting forward so that on this very sensitive

question when we come up finally with the draft new Bill we will have had at least this advantage of having the reactions of the Members of this House and of the public in general. I do not feel that is encroaching on the rights of the Members in any sense at all.

Mr. Speaker, I had just made the point that this question of the traditional approach needs to be injected into any new measure which we bring in the future.

The second point, which is the weakness at present, Mr. Speaker, is that there seems to be no real agency which is responsible for ensuring that the children in this case are taken care of and looked after as provided for in the award of the court. In other words, all that happens is that the court says the man will pay Sh. 60, but it seems to stop there. There is need, quite obviously, where an award is made and in our future approach, we feel the award should be made jointly in respect of the woman as well as the man. In respect of the woman if she is working and has means of her own then she too should make a contribution. We should not stop there. We should go further to ensure that the money provided for is actually applied in looking after the child. One of the main criticisms of the present Act, and which the Members here have voiced from time to time, is that there is now doubt whether the money is actually used for the child and not for the mother. It is necessary to devise a system by which we can be sure that the money will be used for the child, and maybe here we need to think of a new agency which would be given not only the responsibility, but also the powers if necessary, to ensure that this is done, of inspection.

Mr. ole Kipury: On a point of order, Mr. Speaker, as the Minister is continuing to talk about a Bill which he anticipates will come, am I in order not to speak about this unless he can lay it on the Table? This is by way of substantiation.

The Speaker (Mr. Slade): No, it is quite in order for the hon. Member to describe to the House some future legislation which the Government has in mind. He cannot table something which is not yet on paper.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, I do not understand the problem of some of the hon. Members.

Hon. Members: Show us the new Bill!

The Minister for Economic Planning and Development (Mr. Mboya): When the hon. Members have finished shouting I will continue.

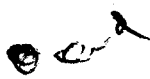
Mr. arap Biy: On a point of order, Mr. Speaker, Sir, now the Minister has made this very important point of another Bill coming to replace this one, would I be in order to move that the debate on this Bill be adjourned until another Bill has been published?

The Speaker (Mr. Slade): No. That particular kind of Motion cannot be raised as a point of order. It can be put forward by any hon. Member who has the Floor in the ordinary course of debate. If an hon. Member, after hearing Mr. Mboya, catches my eye and feels like moving that Motion, it will be in order for him to do so.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, in conclusion I would like to take this opportunity firstly to express appreciation to many members of the public who I know are very much concerned with some of the social problems in our society. Especially, those who I know are concerned with the problems of children. It is not often recognized, or realized, how many people spend so much time, and even some of their own money, in support of some of the needy children in our society. What needs to be said, having said this about our appreciation of what they have done, is the amount of work there is to be done in this field, and the need there is for even more support from members of the public, and from hon. Members of this House.

The organizations which are involved with the care of children require the support of all of us. I think if more of us could take a personal interest it would go a long way to meet the very critical problems which we are faced with. This is not the kind of problem which can always be met exclusively from Government sources, or by Government legislation and supervision. It has to devolve on society. I sincerely hope, Mr. Speaker, that hon. Members will at least give a little bit of their time and thought to the problems of children, not only here in Nairobi, but even in the rural areas where there are many new problems coming up.

Mr. Speaker, I have tried to indicate to hon. Members the thinking we have and I do this essentially because I do not want people to be left with the impression that Government has merely decided to repeal this Act and have no ideas on what should be done or that they have ignored the existence of a problem. A problem does exist and we have to accept that we will need to do something, and do it pretty soon, to take care of the new problem after the Act is repealed. I can only assure the House that in this we will act with all speed.

Mr. Speaker, Sir, I beg to support. 

The Minister for Co-operatives and Social Services (Mr. Ngala): Mr. Speaker, Sir, I would like to say a very few words on this Bill, because hon. Members have, I think, supported the idea of repealing this Bill.

When the Bill was first introduced, Mr. Speaker, Sir, it was intended to take care of the children, but I am afraid that this Bill, and the application of it, have been a little abused. A lot of the money decided on in courts to support and care for the children has not been spent on the children. It has been spent on other things by the mothers, or the women, and this has been very disturbing to my Ministry.

Mr. Speaker, Sir, I must be very specific in these matters because I am responsible partly for the care of the children. There are some women, or girls, who after getting children in this way have not looked after the children well, although they have been given some money through decisions from the court and so on. In some cases I have known of children sent home to their grandmothers, and the mothers have stayed away from the children looking for more men and not caring for the children. I think this is a very serious thing. I think Members here should think about the welfare of the child, and this is why we place a great deal of importance on the fact that whatever money is made available, through the court, should be spent on the children.

I have known some women who have too many boy friends, and they try to get deductions from various boy friends, and this totals up to quite a bit of money. All this money does not go to the child or the children. The money is spent by the woman in looking for more boy friends. I think this is a very serious position, because when the mother produces a child she must be responsible enough to look after the child. She cannot produce a child and leave the child in the cold without any care, and be selfish and not really give the food which is required by the child, or shelter or clothes which are required by the child.

The Members should not take this matter very lightly. This is a very serious matter, and my Ministry takes this matter very seriously indeed. It is a question which concerns the looking after of the children. It is a question which is a matter of life and death for young children who must have somebody to look after them. I am very glad that my colleague, the Minister who has just sat down, has congratulated, and shown gratitude on behalf of the Government, the various organizations which have assisted us in the welfare of the children. I would like to endorse this very strongly because there are many generous

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organizations which are concerned with the welfare of the children in the country who have come in to help us. I would like to thank them and show, on behalf of the Government, that the Kenya Government is very grateful.

Mr. Speaker, Sir, since the provisions of this Bill have been abused, I think it is right that the Bill should be repealed. I think another point should be considered. The whole problem, Mr. Speaker, is becoming bigger and bigger every day. The problem of getting these children is the different ways in which we get them. I think it is becoming bigger and bigger because married men are getting children, in many cases, outside wedlock. It is getting bigger and bigger because married women also are doing so. It is getting bigger and bigger because bachelors and spinsters are out doing the same thing; therefore, I would like to draw the attention of the Members of this House to the fact that this problem should not be taken lightly, but should be taken as a serious problem, and it should not be taken as a small problem as it is becoming bigger and bigger every day and every week in the country. Well, I cannot say who is doing it, but I can see the children. Mr. Speaker, Sir, therefore, there must be a consideration of a new law which, in the due course, will look after the welfare of the child. There must also be a general recognition by the people in the country of their responsibility in looking after such children. My Ministry does not have sufficient accommodation in the different places where Government Institutions are situated to look after these children, and it would indeed be improper for us—unless they are very, very needy cases. Otherwise, those persons who produce the children must always be responsible for the children. If people produce children, they must be responsible for looking after those children, and this must be the policy on which the new legislation must be based. If one produces a child, he must be responsible for the child because he cannot produce a child and expect Government to look after the child. That is what the principle will have to be based on. If you have a child, it is yours and you have to look after the child and Government will make certain that there is sufficient compulsion for the people to look after their children.

Mr. Speaker, Sir, our modern Kenya must produce another law which will cater for the welfare of the child. The African tradition has to be modified in such way that it will fit in with the situation in the towns, the urban areas, and also fit in with situation in the rural areas because African tradition, as practised in the past, cannot

be suitable because of the progress and advancement that our people have made, but I think if it is modified it could be applicable in many forms. Now, there are problems, Mr. Speaker, Sir—of course, if we were an ideal society we would not worry because we would think that things could go on very well without any bother, but unfortunately or fortunately we are not an ideal society—since things went wrong at the garden of Eden between Adam and Eve, we must begin to think along these lines in practical terms.

The second point is the problem of the implementation of this Act. Whichever way we try to do this thing, we start a new social problem. Some people say that the child must belong to the father because it is the African tradition. If you give the child to the father automatically, you will start rows with the other family or the other home, because in these modern days no modern wife will like to keep a child of another wife. Therefore, this is another problem; you may ignore it but you cannot forget it when it is a realistic social problem in the country. Therefore, ways must be considered very carefully so that we do not attempt to solve one social problem and then start many other social problems, and this is why a careful consideration must be given. Some people might say the child should belong to the mother automatically. Again you create another problem because there are so many girls who are mothers who cannot look after their children. They get children, either unfortunately, accidentally, willingly or unwillingly, but they cannot look after the children. Therefore, we have to consider very carefully what to do in such circumstances so that the child's welfare is looked after and so safeguard the child's future.

Mr. Munyi: On a point of order, Mr. Speaker. I have been listening very attentively to the speech being delivered by the Minister, but, Mr. Speaker, Sir, in the course of his speech he mentioned that by repealing this Act we are going to solve one social problem, and after solving that social problem we are going to create many more social problems. Could the Minister, Mr. Speaker, Sir, substantiate on what he means by saying that we are going—

The Speaker (Mr. Slade): That is not a point of order. hon. Members must distinguish between substantiation of statement of fact and expressions of opinion. I thought they did by now.

The Minister for Co-operatives and Social Services (Mr. Ngala): (Mr. Speaker, Sir, I did not say what the hon. Member is saying. I have indeed agreed with the repeal of the Act but I am pointing out that when you attempt to solve one social problem you may create two other social problems. Therefore, the need is for the

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Government to consider whatever new ideas they may have to formulate, the future pattern we should take. Therefore, Mr. Speaker, Sir, in my view the hon. Member has not been listening very carefully. Now, Mr. Speaker, Sir, I think generally the child should belong to the father. I think generally, the child should belong to the father for this is a basic African tradition which will have to be considered very carefully in the new pattern.

Secondly, the child must be looked after by both people, the two people who have brought the child into the world—you might find that the father is incapable of looking after the child but the mother is also wealthy and can look after the child—even in such a case the mother and father must assist because they are both responsible. The old African tradition of thinking, that it is only the father who is wrong and the girl is always right—that tradition must go. The girl must also be brought in to be responsible enough and share the responsibilities of whatever pleasures or difficulties that might arise afterwards.

Thirdly, I think if there is to be any punishment on the part of the man, the punishment must be very light, very light—a lump sum of money, I think punishing the man for 16 years is too cruel, and therefore, we shall have to think of providing something which will be brief in a lump sum form—when I say a lump sum, I do not mean five head of cattle, so many thousands shillings or so many thousands rupees as a lump sum but something light which can be experienced, for a short time because this is how African tradition used to deal with this sort of thing. Mr. Speaker, Sir, the question of asking me which “which African custom——” If you belong to one of the tribes in Kenya, surely you must know this; and if you are a student of social studies, you must know it. I am sure that the hon. Member is aware of a custom which is being used in connexion with this matter. For example, in some African tribes, when something like this happened, there was a fine of three head of cattle and two calabashes of *pombe*. This settled the whole matter, and everything was forgotten—and the child was given to the father.

Mr. Speaker, Sir, I want to emphasize that, since we have modern times, the question of an agency which will specifically look after the welfare of the child is important and this will have to be borne in mind. The question of protecting the child is also very important because we must protect the child. Mr. Speaker, I would like to say that we have a big social problem in this matter. I know that many people, have been saying that they—or, perhaps, women—do not want

the Act to be repealed. I would like to assure, not only women but the whole country that we are very aware of what should be done to suit Kenya. We are going to introduce a pattern in future which, we hope, will make provisions for both sides to be consulted; women and men alike. The whole country will be consulted to find out a way which will be convenient for our country.

I would like to end by saying that if we are all careful, and take the right responsibility in this matter, the more we reduce cases of this kind, through carefulness and regard of the need to have only the necessary children who will be looked after properly, the more we shall avoid troubles of this kind. However, I am fully aware of the fact that we are human beings and that we are bound to face these social problems. We cater for them. Despite these facts, the repeal of this Act should not be taken as reflecting the Government's ignorance of what is needed in our country, or Government's disinterest in what should be done to help correct this problem. We are going ahead to do this. One Member has asked whether we shall be quick enough in doing so. In fact, I am in the middle of drafting the ideas. I am putting them together, and after that I shall be able to go to my colleague, the Attorney-General, so that we may put these ideas into something effective. We shall have this done as quickly as possible so that it may replace the present Act and cater for the situation as required.

With these few remarks, Mr. Speaker, Sir, I would like to assure the House that everything is under control.

Mr. Mathenge: Mr. Speaker, Sir, thank you very much for this opportunity.

I think that somebody is begging the question, and that somebody is the Minister for Social Services and the Minister for Economic Planning. However, Mr. Speaker, it is very rare that we do get an opportunity to debate a Bill in this House that touches almost every individual citizen of this country—this Bill is one of them.

I was glad to note, when I was down in the library, that you yourself, as far back as 1932—before I was born—were interested in drafting laws dealing with children born out of wedlock. You had this interest up to the time when this Affiliation Act was passed in 1959, because you thought it was right to regard these children, who were also human beings, like others.

Mr. Speaker, Sir, it is easy for us to come here and talk about those who are abusing this Act or those benefiting from it and so on. However, I think that we must go back so that the consideration of this Bill is transferred from this

[Mr. Mathenge]

House right to the people in the village where the mothers are living—mothers whose daughters are pregnant and mothers of the boys who have made the girls pregnant. In so doing, you will look at the mothers and the two offenders. Then look at the children who are born out of wedlock. Mr. Speaker, you cannot discuss this kind of matter in a loose manner: you must have charity when thinking about this matter; but this happens, and that is why a law may be passed that may create serious hardships and suffering for many people for a long time. You never know if you will be responsible for having done that. So, Mr. Speaker, I think there was hastiness in the Government to bring this Bill to repeal the Affiliation Act. We may share argument and we may understand arguments from both sides for repealing or changing it and so on, but I think there was haste and proper consideration had not been made. I believe it is not good for this House to pass a Bill like this one or repeal the present Act without very careful consideration first.

Mr. Speaker, Sir, you were the Chairman of the Commission of Law on Succession. There is another Commission on the Law of Marriage and Divorce. We have read the reports of these commissions and the drafted legislation. It was necessary for commissions like these to go round the country to find out that people think before any legislation was made. It was equally necessary on a question like this one, to have a very careful study as was done to the previous ones.

Mr. Speaker, Sir, my point is that laws are made by man for himself but he should also, or the Legislature, not make laws for the purpose of just making a law. It must be for our own society that laws should be made. The society is very complex, Mr. Speaker. When this Bill was passed, the communities in this country at that time were not as integrated as they are now. They lived separately. Today, Sir, our experiments in nation-building brings us into changing circumstances every day. That is why laws must reflect the society to which they are applied. They cannot be absolute in themselves.

Mr. Speaker, Sir, what I am trying to say here is that it was hasty to bring the repeal of this Act. I understood and very much supported some of the Members who said that the Act has been very much misused by girls, women, and so on—but, at the same time it is the children we are concerned with every Minister who stood up to speak spoke about the children—who are not getting any benefit from that Act. We are still insisting on them getting some benefit, but if we repeal

this Act, if we decide today that we repeal this Act, then I am not certain that the Government has thought seriously about this matter, that they will bring the new legislation they are talking about as quickly as they said here they would. I would, therefore, ask the House to agree with me so that we may have a condition that we shall not repeal this Act until the Government has brought another one with which we shall replace the present one when it will be repealed. After this we shall be able to discuss this matter logically knowing what is going to happen.

MOTION

ADJOURNMENT OF DEBATE: THE AFFILIATION (REPEAL) BILL

Mr. Mathenge: Therefore, Mr. Speaker, Sir, I beg to move formally that the debate on this question be adjourned until the new legislation regarding the care of unborn children is brought to the House so that we take both Bills together. I hope that will be within the two weeks that the Minister for Social Services spoke about.

I beg to move.

Mr. Makone: Mr. Speaker, Sir, I am very grateful that you have given me the Floor of this House in order to say a few things in seconding the Motion for adjournment of this debate.

Mr. Speaker, one thing is clear.

Mr. Speaker, Sir, when the Member for Butere speaks, we all respect him and listen to him; now he should also listen when other Members speak.

Mr. Speaker, one thing was clear when I listened to the two Ministers who spoke. The Minister for Economic Planning and the Minister for Social Services have indicated very, very clearly indeed that drafting of this Bill was done hurriedly. I am not underrating or underestimating the representative responsibilities of the Members here. All I am saying is that a lot of concern has been shown in the countryside by the religious organizations which we attack when talking here. They have expressed concern in that the repeal of this Act is too premature. It will be a good thing, for the just government of men and the welfare of society, the society which is composed of men and women—and the children too, in whom we are particularly interested—if repeal of this Act is postponed so that the Government can come in the normal way, after consulting the social organizations, the churches of different denominations, the social workers, and other people.

Mr. Speaker, may I say this: if this Government acted wisely, if it was never in a hurry, if it did things in the normal way, if it sought public opinion, then the course open would be

[Mr. Makone]

to ask the people outside what they thought. Then the Government could then bring suggestions to the Kanu Parliamentary Group Meeting. At that time we could give our opinion and the opinion of the people, of the majority of our people who are in the countryside.

Mr. Speaker, last week, for example, there was a conference of officials of all the Kanu sub-branches in my constituency, comprised of three locations, and the general opinion was that they did not want, without any replacement, the repeal of this present law.

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

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

Mr. Deputy Speaker, I support my hon. friend, Mr. Mathenge, that this debate on the Bill, now before the House, be adjourned until the Government brings the new Bill to the Parliamentary Group Meeting, or holds discussions with the people connected with the various organizations to get in a smooth-running kind of law which will be in line with the traditions of this country.

I am sure Members will not lose anything by adjourning the debate on this Bill so that we can have normal consultations with our constituents, and other people concerned, in order that we have no conflict with the general public which we are here to serve.

Mr. Deputy Speaker, I support the adjournment of the debate, now before the House, in the name of the Republic.

(Question proposed)

The Deputy Speaker (Dr. De Souza): The question is just that: That the debate be now adjourned. Though Members have expressed that the debate should be adjourned until the new Bill comes in, that is the purpose of the debate, of the Motion, but not part of the Motion itself.

Mr. arap Biy: Mr. Deputy Speaker, Sir, I stand—

Mr. Mbogoh: On a point of order, Sir, it seems that today the eye of the Speaker has ignored this side. It looks as if everything is coming from that side. So may I—

The Deputy Speaker (Dr. De Souza): Order! Order! Mr. Mbogoh, please sit down.

You know very well by now that you cannot challenge the choice by the Speaker of speakers, and an experienced Member like you should not try to do that. After all, Mr. Makone was not really speaking from this side of the House. You

should not try and get priority by rising on frivolous points of order. So do not do that again.

Mr. Mbogoh: On a point of order, Mr. Deputy Speaker, I think you have dealt with that very quickly without first of all listening to me. I think it would have been fair if you had listened to me because I was merely praying that I be given a chance to speak, not ordering the Speaker to do anything. So you replied too quickly.

The Deputy Speaker (Dr. De Souza): I am afraid that even your prayers are quite unnecessary.

Mr. arap Biy: Mr. Deputy Speaker, Sir, I feel a bit disturbed by some hon. Members' remarks because when any Member of this House stands to speak he knows what he is speaking on.

Sir, in the first place, I had made up my mind to move the adjournment of this debate on the Affiliation Bill, but when the Minister for Co-operatives and Social Services spoke I was fully convinced that the Government is going to bring a Bill to replace the very one which we are now repealing. Sir, we must take the Government in confidence. If the Government wants to play with this hon. House, then we will not allow that. Usually, however, when any Minister of the Government speaks for the Government, we take that very seriously. So I am convinced, Sir, that this is the reason why this Bill should be repealed, and in a few days to come we should have another Bill. If there is no Bill that is to come, then I am ready to bring a Motion to urge the Government—to demand actually—to bring a Bill here to this effect.

I am very convinced, Sir, that there is no need for adjourning the debate on this Bill, there is no need for this. If we are to take the Government seriously, there is no need for this. However, if this Government is merely flattering us in this very hon. House, then we are also grown up, we are reasonable and, hence, next time when they bring any request here we will reject it entirely.

Here I am giving the Government this one serious warning, and also supporting that debate on this Bill should continue.

Mr. Deputy Speaker, Sir, with these few remarks, I beg to oppose the adjournment of the debate.

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

The Deputy Speaker (Dr. De Souza): The question of whether the debate should be adjourned or not is a very vital question because very

[The Deputy Speaker]

much of it hinges on the question of the Bill itself. So we will allow, and the Speaker suggested the same thing, a little longer debate on this Motion for adjournment of the debate on this Bill, more than one would normally allow.

Mr. Munyasia: Mr. Deputy Speaker, Sir, I am totally opposed to the repeal of this Act on the grounds that I am going to give the House.

Sir, when other Members are speaking their minds, is it right for the hon. Member for Butere to keep on shouting and yet when he is speaking we do not interrupt him? It is high time, therefore, you controlled him.

I have grounds for objecting to the repeal of this Bill. We must not take it for granted that the Government will bring another Bill here for debate. It is normally the practice of this House that when the Attorney-General brings a Bill, and it has to be amended, that is the end of that. Where is this other one? This is just mere talking. We are told that Government will not incur any expenditure in the enactment of this other Bill; so, where is this other Bill?

Some of the Members of Parliament have taken interest in this matter, they have taken this Bill very seriously. It is my submission that the House should ask that there should be set up a Commission of Inquiry—

Mr. Mbogoh: On a point of order, Mr. Deputy Speaker, the hon. Member seems to be speaking on the main Bill but not on the adjournment of the debate on the Bill.

The Deputy Speaker (Dr. De Souza): I think he is in order so far. He still has to give reasons for supporting or opposing an adjournment. Going very briefly into the merits of a Bill is all right, but not at length.

Mr. Munyasia: Sir, if that is the case, I feel it is my submission that this Bill be put off for six months—

The Deputy Speaker (Dr. De Souza): Order! Order! There is a difference there. What we are now doing is to debate the Motion now before the House, which is that the debate on the Bill be now adjourned. What you are trying to propose, Mr. Munyasia, is that the Bill be read a Second Time six months hence—which is, in fact, killing the Bill. That is a different matter.

Here you should be supporting or opposing the present Motion, which you have to do, but you are obviously supporting something different. You appear as though you are speaking against the Bill. If that is so, then I am afraid you are out of order, and Mr. Mbogoh is right.

Mr. Munyasia: You are right to correct me on this, Sir.

At this juncture, therefore, I think I support the adjournment of the debate on this Bill for the present, until it can be discussed further, either at the Parliamentary Group meeting or elsewhere.

So I reserve my consideration until the debate on this Bill is adjourned, when I will talk more about this.

The Minister for Co-operatives and Social Services (Mr. Ngala): Mr. Deputy Speaker, Sir, I think we have to clarify a few points. I would like to express the Government's position on this idea of adjourning the debate.

Sir, this House discusses one Bill at a time, normally, and even if the Government had two Bills ready at one time, the House would still only have to consider one at a time. The House cannot discuss two Bills concurrently. This is so because one Bill has to come first and the other, and that is why Government is not wrong in bringing one Bill here to us to dispose of first before it brings the second Bill.

Mr. Makone: On a point of order, Mr. Deputy Speaker, is the Minister not misleading the House, seriously speaking, that this House has never discussed the repeal of a law and replacement by another at the same time?

The Deputy Speaker (Dr. De Souza): Order! Mr. Makone is right, in fact. There are many times when a new Bill is introduced and at the end of the Bill you find a clause which says that the Bill so-and-so or such-and-such is hereby repealed.

While Mr. Ngala is entitled to make the debating point, for what it is worth, Mr. Makone is right, that there is nothing in Standing Orders forbidding us having a new Bill and repealing the previous or existing statute one at the end of it.

The Minister for Co-operatives and Social Services (Mr. Ngala): Mr. Deputy Speaker, I was making the point that Government has deemed it right that we should have one Bill at a time and, therefore, we should repeal this Bill. I think it is important that the weaknesses of this Bill, which we are now seeking to kill, should be fully explained to the House. Although we could have a situation, like the one you have referred to, Sir, these two issues are so important that they could not just be explained by a reference at the bottom of one Bill. It is for this reason that we thought there should be a full explanation as to why we repeal this Bill. Then we should have a

[The Minister for Co-operatives and Social Services]

second Bill to come here in its own time and in its own terms, a Bill in which we will explain fully the new pattern for the future.

If the Members are, in fact, saying that Government should indicate their ideas and suggestions for the future, the Government has already done so. I would like to appeal to the House to realize that when the Ministers say that this is what the Government is going to do, or is thinking of doing, and it will come to the House without any delay, we seriously mean it. If we delay, it is open to Members of this House to move whatever they want to move. However, we see that if we repeal this Bill, there will be a gap, a vacuum, on a very urgent matter. Therefore, we would like to make sure that we have given the idea.

The hon. Munyasia has said that perhaps it is good to have these ideas discussed first, as to what Government thinks, and so on. I have told the House that we are in fact now drafting and putting the ideas forward. If the hon. Member has a contribution to make and wants to give me some ideas, he is quite welcome to come to me and do so, and we shall incorporate those ideas in the draft before the Bill is brought here.

Mr. Deputy Speaker, we shall not delay, and we shall not waste time over these important issues. In fact, if the House allowed us to repeal this now, it would mean going faster to the second step.

Mr. Deputy Speaker, this is very encouraging to the Government— It has been clear to the Government that Members are not taking this question lightly, they are taking it very seriously. We in the Government do not think there is any reason why there should be fear of delay because we understand the seriousness of the matter. Whatever ideas are to be given have already been given to this House, and I hope the House will understand the Government and allow it to repeal this to enable it to put forward the second step.

Mr. Mbogoh: On a point of order, Mr. Deputy Speaker, it seems that by now everybody has decided what to do and what not to do. Since the Government has already responded to the Motion, I wish to move that the question of the adjournment be now put.

Hon. Members: Hear, hear.

The Deputy Speaker (Dr. De Souza): Order! Order; I think I will have two more speakers, and then I will agree to put the closure.

Mr. Mwamzandi: Mr. Deputy Speaker, Sir, I am one of those Members who strictly oppose the adjournment of this Motion. Some hon. Mem-

bers here have been saying that the debate on the Bill should be adjourned to allow us to form a commission which will go outside and inquire into public opinion. However, my question is this: when the Affiliation Bill was brought before the House, during the colonial days, was there any commission?

Hon. Members: No, not at all.

Mr. Mwamzandi: There was no commission. Our Government has seen fit to repeal this Bill simply because it does not suit our customs.

Hon. Members: Hear, hear.

Mr. Mwamzandi: Mr. Deputy Speaker, I would be prepared to take all the blame from my constituents, and decide this Bill without consulting them. In fact, I would like this Bill to be repealed today. The Affiliation Act has discouraged our girls in this country from getting married.

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, now that the Member is making a very important contribution to this Bill, is it in order for the hon. Karungaru, and others over there, to make a hell of a noise? Would you bring them to order?

The Deputy Speaker (Dr. De Souza): I think they are quiet now. Carry on, Mr. Mwamzandi.

Mr. Mwamzandi: Mr. Deputy Speaker, we want the immediate repeal of this Bill, because of the fact that our girls have been encouraged to go out with other people, taking into account—

Hon. Members: Question, question.

Mr. Mwamzandi: —that whatever happens, they are going to earn some money from the courts. We have seen this. Perhaps some hon. Members here have daughters who earn money from the courts as a result of this Affiliation Act, and that is why they are making such a noise.

The Deputy Speaker (Dr. De Souza): Order! Mr. Mwamzandi. You must withdraw that. That is a very improper and serious imputation on the motives of hon. Members, to say that they have daughters who are earning money as a result of this Bill and therefore they are opposing its repeal. Please withdraw.

Mr. Mwamzandi: Mr. Deputy Speaker, I withdraw that, but—

Mr. Shikuku: On a point of order, the House is in chaos. We can hardly hear the speaker even. It comes from that side.

The Deputy Speaker (Dr. De Souza): Mr. Shikuku, you are contributing to it by standing up. Do not worry, I will look after it. Carry on Mr. Mwamzandi.

Mr. Mwamzandi: I made that remark simply because I thought it would make some hon. Members to keep quiet. Anyway, I have withdrawn it.

Mr. Deputy Speaker, I have heard what some hon. Members, particularly those who represent towns or cities, have said on this Bill, because they are worried about their constituents. This Bill works mainly in cities and towns, and that is why girls from the reserves are coming into towns. We want to discourage this habit of prostitution. Hon. Members can check and find out that there is not a single affiliation case in this country from a poor man, from a man who does not have anything—affiliation cases mainly come from those people who have a lot of money, and the girls are very clever in choosing whom they will take to court.

Mr. Gikunju: On a point of order, Mr. Deputy Speaker, could the hon. Member speaking substantiate that affiliation orders—

The Deputy Speaker (Dr. De Souza): There is too much talking.

Mr. Gikunju: —that affiliation orders do not come from poor people, they just come from rich people. Can he substantiate that?

The Deputy Speaker (Dr. De Souza): I am afraid this is not the type of allegation which requires substantiation. It is a matter of opinion as to who is rich and who is poor, and what class of people this Affiliation Act applies to most. It is not the type of allegation which requires substantiation.

Mr. Mwamzandi: Thank you very much, Mr. Deputy Speaker. We want to discourage prostitution, and we want to repeal this Act immediately. I am not going to worry the Government and say they must bring another Act to replace this one. I do not want any Act. If a girl conceives an illegitimate child, then she must be dealt with according to customary law, not through an Act like this.

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

Mr. Karungaru: On a point of order, Mr. Deputy Speaker, we have had enough on this adjournment Motion, and it looks as if we are wasting our time. Can the question now be put so that we may know the position, because otherwise we will waste a lot of time?

The Deputy Speaker (Dr. De Souza): We are not wasting time.

Mr. Thimangu-Kaunyi: Mr. Deputy Speaker, Sir, I would like to support the adjournment of this Bill.

Hon. Members: No, no.

Mr. Thimangu-Kaunyi: No amount of shouting will deter me from saying what I want to say.

Hon. Members: Shame, shame.

Mr. Thimangu-Kaunyi: I want to say that obviously, this has shown this afternoon that the Government was not decided on this repeal. This has been quite obvious, because when the Attorney-General moved the repeal, he never raised the points which have been raised by the Minister for Economic Planning and Development or the Minister for Social Services. This shows obviously that the Government is having second thoughts on this repeal.

Mr. Deputy Speaker, Sir, it is as well that the Government is having second thoughts on this repeal, because although Members were laughing yesterday, there are various organizations which have been trying to put forward suggestions on this repeal, such as the Christian Council of Kenya and others, and Members of this House should consider the opinions of such organizations very seriously.

It is unfortunate that our Government, at this late hour, is bringing a controversial repeal like this when we are just about to face an election.

Hon. Members: Question, question.

Mr. Thimangu-Kaunyi: Although the Members might shout "Question", we must not think about a few people in the towns, but we must consider the opinion of the people we represent. I do not know how many Members went home over the weekend and consulted their electors on this Bill. The Members shouting might end up making this House look as if it were un-Christian. Even if Members keep shouting, I said that nothing would deter me from saying what I wanted to say.

Hon. Members: Carry on.

Mr. Thimangu-Kaunyi: It is a known fact—

Mr. Lubembe: On a point of order, Mr. Deputy Speaker, I want your ruling as to whether the statement made by the hon. Member that Members shouting make this House seem un-Christian. In fact, what he is saying is that by wanting to repeal this Bill, the House is being un-Christian. Is he not imputing bad motives to the Attorney-General and the Ministers who have brought this Bill?

The Deputy Speaker (Dr. De Souza): No, I think that is carrying the words "imputing" and "improper motives" too far. I do not really know what the word "un-Christian" means, but I do

[The Deputy Speaker]

not think we should worry ourselves too much about it. I think the right answer would be to have a little less shouting, and then he can be heard more clearly and is allowed to make his points.

Mr. Thimangu-Kaunyangi: Mr. Deputy Speaker, Sir, the hon. Chief Whip is saying that Christianity has nothing to do with it. That might be the case, but I am only trying to say why I support the adjournment until we think again, because the Government has shown that it is having second thought. Therefore, the Members also should start thinking again. The basis on which Members are urging this repeal is that the Act has been abused. If we are to follow that line of argument, that every time an Act is abused we just scrap it, we would finish up with very few Acts. This is not the only Act which has been abused. Many others have been abused, but when an Act is abused it should be amended, it should not be scrapped. Mr. Deputy Speaker, we have various things like public orders or something like that which have been abused by administrative orders or something else—

The Deputy Speaker (Dr. De Souza): Are you speaking for the adjournment of the debate or suggesting that the Bill should be amended?

Mr. Thimangu-Kaunyangi: For the adjournment.

The Deputy Speaker (Dr. De Souza): I thought you were now asking for an amendment of this Act.

Mr. Thimangu-Kaunyangi: No.

The Deputy Speaker (Dr. De Souza): Therefore, you must make yourself clear. Carry on.

Mr. Thimangu-Kaunyangi: Mr. Deputy Speaker, my line of argument is this: We should repeal this Act very quickly. That is all the hon. Members are saying. My argument is that we should not, and that we should have second thoughts and oppose what is proposed by the Government. We should have second thoughts because the argument to repeal it quickly is based on that it has been abused, and I say that if every time an Act was abused we started repealing it, then we would start scrapping almost all our Acts, because many of them have been abused many times and all we do is to amend, and maybe, by adjourning the debate, and I myself having second thoughts, will end up in amending and not repealing.

Mr. Deputy Speaker, Sir, like the previous Members who spoke, I say hon. Members are speaking about various people who have abused this Act, so, Mr. Deputy Speaker, I do not want

any explanation because I know the facts. All that I am saying is that I support the adjournment of the debate for the time being, and the reason, as I said, the main reason, although I am actually against repeal of the Bill, because, obviously, from what the two Ministers have said, it is clear that the Government itself is having second thoughts on this repeal.

The Deputy Speaker (Dr. De Souza): You have made that point.

Mr. Thimangu-Kaunyangi: Well, Mr. Speaker, I am repeating it because various Members are rising to give me more information, but let me expand on that point, why I support the adjournment. This is because the specialized bodies which have advanced several opinions will be consulted.

Hon. Members: Why?

Mr. Khaoya: On a point of order, Mr. Deputy Speaker. Is the hon. Member speaking now not repeating what he has said already, about such specialized bodies, say like churches and so on, a few minutes ago?

The Deputy Speaker (Dr. De Souza): It means he is tending to repeat himself, but if he does not stick to the point, I will ask him to sit down. Do not repeat yourself, Mr. Kaunyangi. This is a very simple Motion, and the question is whether the debate be now adjourned or not. We do not have to go too much into the merits of the Bill, and I say one can briefly touch on it in argument for or against the adjournment. We do not have to go through it in great detail. You have in fact, already made your points I think, but there is no need to repeat them again because many other persons would like to speak. If the Motion of debate is not going to be adjourned, then we might as well proceed with the debate. We do not want to spend too much time on the Motion to adjourn the debate.

Mr. Thimangu-Kaunyangi: Mr. Deputy Speaker, the hon. Members standing on points of order are only making me take longer, and so long as I have the Floor, and so long as I am relevant to the Motion, I will keep on speaking.

Mr. Deputy Speaker, even if the hon. Members keep interrupting me until the end of the day, I will keep making my points. What I meant to say Mr. Deputy Speaker—I mentioned various organizations but I never said why I was mentioning them because they kept interrupting me, and if the interruptions continue, and as you are wasting time, I will only continue talking, Mr. Deputy Speaker. All that I am saying is this—

The Assistant Minister for Commerce and Industry (Mr. arap Kerich): Mr. Deputy Speaker, I would like the question put now.

The Deputy Speaker (Dr. De Souza): Order! I think we are reaching the stage where there are no new points coming up in the Motion. I will put the question.

(Question, that the question be now put, put and agreed to)

(Question of the adjournment of debate put and negated)

(Resumption of debate on original Motion for Second Reading of Bill)

Mr. Sijeyo: Mr. Deputy Speaker, I am very glad to have the opportunity to make a few points on this Bill. Mr. Deputy Speaker, I find that some people in this House—

Mr. Shikuku: On a point of order, Mr. Deputy Speaker. Would you please instruct the new Member to refer to us as hon. Members.

The Deputy Speaker (Dr. De Souza): Well, he has corrected himself before this.

Mr. Sijeyo: Mr. Deputy Speaker, I understand that some of the hon. Members have been trying to escape or trying to stop the repeal of this Bill in this House, but I think, Mr. Deputy Speaker, it is high time that the Bill or the law was repealed, because according to African customary laws, we have many points in African customs and particularly, in Luo customs, as I am a Luo, and not only for Luos. Even in Luhyas, and Kalenjins, this particular law was against our wishes and our peoples' wishes. Mr. Deputy Speaker, at this juncture, it is time that the laws made during the colonial days, though the hon. President of the Opposition and the hon. Ngala were in the House, people are doubting whether these were passed with votes or with majority in the House or they were very few, and the laws were passed without their willingness, or without their consent.

Mr. Deputy Speaker, I think it is high time that this law is repealed and allow our customary laws in every part of the country to continue and if there is any change, this change should come in the way that the Africans of this Republic are willing to follow, instead of putting something into the people which they are not for. Mr. Deputy Speaker, as I remember, there are people in our country, and particularly in Kikuyuland, that we find in Makadara and Kandara courts. Many people are being accused there. Many people are being brought before the courts because these women—many of them are after money, not because they were divorced unwillingly, but some of them try to run away or to divorce themselves in order to get more money, and after they have got this money, all the judg-

ment is made in the courts, Mr. Deputy Speaker, you will find a woman who is being paid is not feeding the child. She is also not looking after the child; she is only after money; and for example, Mr. Deputy Speaker, one, I understand who is being paid a quarter of the salary of a certain person in our country is abroad in school and yet the money is being paid to her.

Mr. Deputy Speaker, I think if such a law was to suit our country, the money being paid to these women or to these prostitutes should be paid directly to Government and Government should take care of all the children who have no fathers and no proper mothers. In African laws or customs we find that the children belong to the fathers, unlike in today's Acts where you find a woman claiming that the children belong to her. Instead of feeding them, or taking care of them, you find that she is running here and there trying to get the more money. Again, when she has got the money, she does not take care of the child.

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

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

Mr. Speaker, in our country, if there is a law or a Bill to come, I ask the Attorney-General that the law which is to be brought in this House should also cater for some of the hon. Members, and other members of this Republic, who earn fat salaries and remain bachelors for years and years while our children are starving. We cannot allow this in an African society. We have to see that this starts with hon. Members, Ministers and other people who are earning fat salaries in this country, who are unmarried and yet they are hunting for women. These are the people who encourage the prostitutes in the country.

Mr. Speaker, in African customary law there is no man or woman who is allowed to go about unmarried, and that was shameful to a State or to a society. We would like to see that our Government puts a law that will provide in some of its sections that a grown-up person should marry. In this House, where many people earn fat salaries, some have even big businesses, you find who are unmarried, we would like to know where their money goes. At the same time, Sir, it is high time that we found that unmarried women should also report to the Government as to why they are not married. I find that you become a leader, but we find that some of our Ministers, tomorrow they may be presidents of the Republic and things—

An hon. Member: You may, too.

Mr. Sijeyo: I am married and I have not only one wife.

Hon. Members: How many?

Mr. Sijeyo: Mr. Speaker, it is high time that our Government encouraged those people with enough money and food to feed those who starve in this our great country. If they do not want to marry, their salaries should be reduced to about three-quarters and the rest should be paid to the Government to be used in feeding the children who are starving in this country.

Mr. Speaker, I find that the Attorney-General is happy and I am sure that next year he is going to have a honeymoon somewhere.

Mr. Speaker, it is also time that many Members feel that if there is a Bill coming on top of this, this Bill should be stopped from being passed. I want this Bill to be passed now and then later on, a Bill should be brought to stop men from remaining unmarried in our society, and it should also stop any women from going around hunting for men. This should especially apply to the men with big salaries because the ladies are very clever and they go hunting for the men with big salaries and with wealth. Those are the men they hunt for.

Mr. Speaker, I feel that the Bill that is to be brought in this House should also protect the younger girls in school. The young girls in school should also be protected because I am sure that people who refuse to marry, or those who pretend to be monogamists, are the ones who encourage all these evil things in this country.

Mr. Lubembe: Who are they?

Mr. Sijeyo: You know them, Mr. Senator.

Mr. Lubembe: Address the Chair.

Mr. Sijeyo: I am addressing the Chair, Mr. Speaker.

Mr. Speaker, it is also time that a man in our society, who is to become a leader, should not go around hunting for school girls. This is a shame on our society. If you have to hunt for her, you have to marry her if she is accidentally pregnant. If you say that you are not responsible and wait to be taken to the Makadara court, when you are called there you should not refuse to go and say that you are a big man and you cannot go there. Why can you not marry her and come to a compromise before you are taken to the court?

Mr. Lubembe: That is what they are doing.

Mr. Sijeyo: Thank you very much, Mr. Senator, you are a good man.

Mr. Speaker, the next time the Attorney-General brings a Bill, not just a portion of it should be brought; we would like it to be put in a clear and convincing way so that when we study it we find the reasons for it as well as many other points. Mr. Speaker, because this Bill is vital and we know what we want to say about it, this is

the reason why we should have the materials for it.

Mr. Speaker, in ending my speech, I feel very strongly that if this Bill is passed, the Government has to take care of the women floating about in Nairobi and see that they are registered and their children are registered—names and places—and the Government has to take care of their education and their lives. Also, Mr. Speaker, it is for the Government to bring us an Act that will enable Government to order persons who do not want to marry and persons who feel—

An hon. Member: You are repeating.

Mr. Sijeyo: You do not know what I am going to say and I am not repeating. I am merely saying that if they cannot marry, their salaries should be deducted to feed these starving children and their mothers.

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

Mr. Kago: Mr. Speaker, Sir, I think this House is making one of the blackest marks in the history of its time by debating this important Bill this afternoon.

Mr. Speaker, I would like to make it very clear right from the beginning that I am totally against the repeal of this Bill so that nobody misunderstands me, should I, maybe, forget to make this statement again during the course of my speech; everybody will have heard what my intention is.

Mr. Speaker, while we were debating the adjournment of the debate, the Government told us that they were contemplating, when this Bill has been repealed, to enact another one to take care of what the present one is doing. I can only say this: we have had, time and again, such promises from the Government that this is or that will be done, without having any results coming from the promises. One of the best examples of this are the Motions that we pass here every Friday. How many of them have been implemented? None.

Mr. Speaker, if the Government really want to repeal this Act, I think what it should have done is to publish this other Bill that they have in mind—even though it was said that we cannot debate the Bills simultaneously—so that we could at least see what the other Bill is talking about. However, just to accept the words which have been said here, after seeing the opposition which has been here against this Bill from outside, I think is very wrong.

Mr. Speaker, something is better than nothing. Some of our hon. Members have supported the Government in its intention of bringing this other

[Mr. Kago]

Bill. In other words, Mr. Speaker, all the hon. Members who have supported this move seem to agree that we should not leave these children out without any support of some sort or without, at least, any legal backing as far as they are concerned.

Mr. Speaker, I think that where the hon. Members who are supporting this Bill have gone wrong is to forget that we are not all that concerned about the mothers, so to speak—the ones that they are calling the prostitutes. We are interested in the children who have been brought into life not on their own mistake, and not, in many cases, on the mistakes of their mothers, but, in many cases, the mistakes of their fathers. Why should we be told that when I am a father of a girl and my girl happens to be made pregnant by someone, I should be held responsible for educating this child, for feeding this child and also for clothing this child? This is not my responsibility. This responsibility should fall on the person who was responsible for bringing this child to life.

Mr. Speaker, according to the African customs, what the Bill intends to enforce is that any child which is born, unless the mother is married, is left in the care of the father. This is very out of date and it is very wrong and, therefore, anything to promote this kind of thing should be totally opposed. We must move with the times. Economically speaking, we have our own families, our children, and we cannot, under any circumstances, be able to accommodate even one child that would be brought to us as an addition.

Mr. Speaker, I am sure that if we do not give any warning of this kind—knowing how many there are—we are going to harass so many of our young girls and we will end up in spoiling them.

I listened very attentively to my hon. old colleague from Nakuru speaking of how girls, especially in school, are being forced to leave school because of this kind of activity. We have quite a number of them despite the fact that we have this Act in operation. Supposing we did not have an Act of this kind, how many of these cases would we have at the moment? I am sure we would have them not in hundreds, but I should think in thousands.

An hon. Member: In millions.

Mr. Kago: Mr. Speaker, education has become a very expensive affair and after paying several thousand shillings yearly that the fathers are paying today to educate their children, they will be very unhappy if that investment is going

to be disrupted because the girls cannot complete their education and be useful citizens of the country. I think this is wrong. That is why, Mr. Speaker, I would very strongly support the retention of this Act. If the Government thinks that there is something missing in it and wants to repeal it, let us have something, let us have something to take the place of this. When we have that something, then we can repeal it; but as long as it means that we are going to have a vacuum in these matters, I do not think we are going to achieve very much. Because of this, Mr. Speaker, and because Government has always spoken but it has not shown in words that it really wants to act, I oppose this. We still have time because if Government wants to have this drafted Bill published even tomorrow, we know they can do this because they have done it before. I am intending to move an amendment to this Motion. I say they have time to do this because we have, several times, been able to be supplied with Bills that have been drafted and printed, sometimes, within something like 12 hours. I can give an example of when we were debating about those Members who would cross the Floor without dissolving the Parliament.

If the Government really intends to take care of those children, they should bring a Bill here so that when we have seen what is contained in it we can then repeal this one. Because this is not there, as I have said, I am asking for the permission of the House to move an amendment to this Motion. The Motion being “that this Bill should be read a Second Time”. Mr. Speaker, I have given notice and this says I would like to see that this Bill is not read a Second Time now, but I would like to see it being read a Second Time six months from now.

Therefore, Mr. Speaker, I would like to move that the word “now” be deleted from the Motion and in place thereof we should substitute the words “be read six months from today”. With these few remarks, Mr. Speaker, I beg to move.

The Speaker (Mr. Slade): Are you seconding, Mr. Munyasia?

Mr. Kago: Mr. Wariithi is seconding.

The Speaker (Mr. Slade): I am afraid Mr. Munyasia caught my eye. Mr. Wariithi has in any case spoken in the debate. This is a Motion to reject the Bill for the time being, and he could not speak again, I am afraid.

Mr. Mwamzandi: On a point of order, Mr. Speaker, I am seeking your guidance. In view of the fact that a Motion to adjourn the debate on the Bill has been defeated, does it mean that any subsequent Motion—

The Speaker (Mr. Slade): No, this is quite different. We have, I know, had a Motion for the adjournment of the debate, which has been defeated. This is a Motion for the amendment of the original question, that the Bill should now be read a Second Time. The effect of it, if it is carried, is that the Bill cannot be touched again for six months, and normally that means the end of the Bill.

The Assistant Minister for Lands and Settlement (Mr. Malinda): On a point of order, Mr. Speaker, if an hon. Member speaks on this Motion now on the Bill being read a Second Time six months hence, and if it is defeated, has he the right to speak again on the main Bill?

The Speaker (Mr. Slade): No, this is part of the debate on the main Bill. When I propose the question of the amendment, I will say we will regard it as being combined with debate on the main question. In effect, it is a sort of negative.

Mr. Munyasia: Thank you very much, Mr. Speaker, for giving me this time to support the Motion—

Mr. Khaoya: On a point of order, Mr. Speaker, I am seeking your guidance here. Only a few minutes ago hon. Munyasia was speaking on this same Motion, the Motion on adjournment of the debate, and I do not know whether he is allowed to speak again, or if it cuts him out automatically.

The Speaker (Mr. Slade): I was not here at the time but I assume Mr. Munyasia was speaking on the Motion for adjournment of the debate. It is in order for him to speak on the main question of the debate because, presumably, only the matter of adjournment was discussed then.

Mr. Odinga: On a point of order, Mr. Speaker, supposing this Motion is passed, that the Bill is to be read six months hence, in the intermediary stage, could the Government introduce another Bill, a new one, or will they have to wait until the six months have expired?

The Speaker (Mr. Slade): If this was carried, it would be open to Government to introduce another Bill, other than the Repeal of the Affiliation Act, of course, at any time. It would also be open to the House, with the permission of the Speaker, to consider revocation of today's resolution if good grounds were shown, such as the appearance of another Bill which included repeal of this Bill.

Mr. Munyasia: Mr. Speaker, Sir, why I am sending this Motion of deferring the Bill for six months is because I feel it is wrong to repeal the Bill and leave us in a vacuum.

Mr. Speaker, Sir, I have taken a keen interest in this Bill and there are some elements which must be considered, and the public must be made aware of these. Mr. Speaker, Sir, you find when a Motion of this kind is brought there must be something following to replace it. This today, Mr. Speaker, is an exception and this is why we are moving a Motion for deferring it for six months, until the Government thinks twice.

Mr. Shikuku: Have you thought twice?

Mr. Munyasia: Mr. Speaker, the Member for Butere is asking me if I have thought twice. Yes, I have.

Mr. Speaker, you will remember that the Member for Butere has sometimes claimed to be the president of the poor. Today is an exception, and I am wondering what he has to say. He has no interest in the public. We are talking about the care of the child and ignoring the mother. There are two aspects to be considered, Mr. Speaker, Sir. We are concerned with the welfare of the child, but how does a child come on earth? It is because of two people coming together through willingness; there is no force. Therefore, they should both care for the child. According to traditional customs, some Members expressed the opinion that the father should take care of the child. This may apply to some tribes, but according to the Akamba customary law the man does not accept the child. The mother accepts the child, and if you love the child, then you also love the mother. We differ from the Abaluhya and Luo, and the Kikuyu the same. The child is left in the custody of the mother and not the father.

According to the new proposed law, which the Government is now trying to bring, I do not know how this will work because we differ traditionally.

Mr. Speaker, Sir, I am pressing for a commission of inquiry to be set up to inquire into details as to whether or not some Members of Parliament are concerned with this Bill. This is the first point. The second point is whether the members of the public and the civil servants are not concerned with this Bill. This is very important. Mr. Speaker, Sir, for your information, some Members are shouting why? There is no point, Mr. Speaker. I wanted the Attorney-General but he is not here. If you go to Doctor Barnardo's Home, or Edelvale Home or the Starehe Boys Centre, the House would like to know who are the fathers of those neglected children? They must have fathers.

An hon. Member: Some of them are Members.

Mr. Munyasia: Some of them, Mr. Speaker, are Members of this Parliament.

Mr. Mbogoh: On a point of order, Mr. Speaker, the hon. Member has categorically stated that some of the Members of this House are the fathers of those children in Edelvale Home and Starehe Centre and other such places; may I demand substantiation, Sir?

Mr. Munyasia: Mr. Speaker, I would like your guidance here. The hon. Members of the House, if I mention some names here, will surely feel ashamed of themselves. This is serious.

The Speaker (Mr. Slade): You must substantiate what you said.

Mr. Munyasia: For the information of the hon. House I will quote two or three names of Members of Parliament who have affiliation orders against them. The first one is the hon. Asiba—

The Speaker (Mr. Slade): I am afraid I did not catch what you said.

Mr. Munyasia: Hon. Asiba has an affiliation order against him, the second one with an affiliation order against him is hon. Ochwada. Mr. Speaker, I think these two are enough. There are many more but I do not want to quote the list. If you could give me a day, then I could bring you a list, and that is why I do not want to ashame the House. Mr. Speaker, Sir, this is serious issue, and we appear to be taking it very lightly—

Mr. Godia: On a point of order, Mr. Speaker, is it not out of order for the hon. Member to mention the names of two Members who are not here to defend themselves? I believe if they were here they would object to what he says.

The Speaker (Mr. Slade): No. If what the hon. Member says it true, he is not prevented from saying it merely because the person concerned is not here, although it may be unfortunate that the person concerned is not here. No doubt, the person concerned will read what has been said and will challenge it if it is untrue.

Mr. Makone: On a point of order, Mr. Speaker, is it strictly an Act of Affiliation where somebody divorces his wife and is forced by a certain law, I do not know if it is the one in question, to keep the children, because one of the gentlemen he has mentioned was married and has been divorced? So, does having children in such a case come within the meaning of affiliation?

The Speaker (Mr. Slade): I think Mr. Makone is quite right, that the implication of what Mr. Munyasia said originally and what he was asked to substantiate, was that some Members of Parliament are the fathers of illegitimate children in Dr. Barnardo's homes. One of the Members you

have mentioned is the legitimate father I think. So that is not relevant. The other Member you referred to is the father of an illegitimate child.

Mr. Khaoya: On a point of order, Mr. Speaker, could we ask the hon. Member who has given the names of two hon. Members to substantiate how he knows about the cases which he is referring to?

The Speaker (Mr. Slade): He can be asked that.

Mr. Munyasia: Mr. Speaker, Sir, I do not know why the Members are worried. I said earlier on, Mr. Speaker, that if you wanted, and the House demands, I will bring you a list tomorrow, of those hon. Members plus some of the Ministers who are involved.

The Speaker (Mr. Slade): We certainly do not want any more. It is very unfortunate that you have brought this up at all, I think, Mr. Munyasia, because it is not really relevant to the debate. But you have, and now you are asked to substantiate, and part of your substantiation with regard to the one Member you have named, and I think it is quite enough because we do not want any more names, is how you know that particular Member is the father of an illegitimate child in Dr. Barnardo's Home.

Mr. Munyasia: Mr. Speaker, Sir, would I be in order, through your guidance, if you would give me time to bring details.

An hon. Member: No. Give the details now.

Mr. Munyasia: I am asking the Speaker. You are not the Speaker.

The Speaker (Mr. Slade): Order! Hon. Members, we deal with points of order in silence. It is the Speaker who answers them.

No, Mr. Munyasia; it is not the sort of thing one can allow time for substantiation. You should never have suggested it without being quite certain of your facts; therefore, you can tell us now how you know. You cannot turn round and look for the evidence afterwards. You must tell us now or withdraw with a very humble apology.

Mr. Munyasia: Mr. Speaker, Sir, what I know, and why I am seeking your guidance, is that she is a Kikuyu girl and that is why I want the correct name. I am certain she is a Kikuyu girl, and the man who was responsible is hon. Asiba. The case was heard at Makadara. I wanted your ruling in order for me to obtain the correct name, because there are a lot of names Wanjiku, Njeri, Njoki and so on.

The Speaker (Mr. Slade): Order! If hon. Members will continue to interrupt points of order, they will have to leave the Chamber. I cannot have this.

[The Speaker]

No, Mr. Munyasia, you are not being asked the name of the girl but how you know these things. What is your source of information.

Mr. Munyasia: Mr. Speaker, Sir, the gentleman in question was sued in court and the case was heard and an affiliation order was issued against him.

The Speaker (Mr. Slade): How do you know that?

Mr. Munyasia: Mr. Speaker, Sir, I took the trouble, as an elected Member, to go to the court at Makadara, and when the case was being heard I was there.

Mr. Kibuga: On a point of order, Mr. Speaker, I am seeking your guidance on more clarification because he has said he was in the court when the case was heard, but he did not say how he came to know that the child was in Dr. Barnardo's Home.

Mr. Munyasia: Mr. Speaker, Sir, whether the child is in Dr. Barnardo's Home, or Starehe Boys Centre or Edelvale Home, the fact remains that the gentleman in question was responsible and he is still paying under the affiliation order. The child may be at one of the three centres, but it is not my concern to know where the child went.

The Speaker (Mr. Slade): It is all right, Mr. Munyasia. You can withdraw the part of your allegation which referred to Dr. Barnardo's Home. It is not a very important part of it. You have given your substantiation for the rest.

Mr. Munyasia: Thank you, Sir, and that part is withdrawn.

Mr. Speaker, Sir, one thing I am opposed to is that I would not like to see this Bill supporting the women. Although we are trying to see the child is maintained by the man, the woman should not be allowed to run away or go about with two men. She should be affiliated to one man. If, through her own will, she is in touch with a second person, then I think the second person should go without any affiliation order against him.

Mr. Speaker, Sir, I stick to the fact that the first person who interferes with a girl should be responsible for the maintenance of the child. Mr. Speaker, Sir, the fact remains that men from time to time have given themselves the credit of always being and pretend that they cannot go wrong. Mr. Speaker, Sir, I do not remember anywhere in history where a woman has seduced a man—

Mr. Ngala-Abok: On a point of order, Mr. Speaker, would it not be in order for me to suggest the Member is being irrelevant? He

merely gives examples and also repeats what was said on the Motion for adjourning the debate—he merely goes from one example to another, Mr. Speaker. Would I not be in order to ask you to direct that the Member is irrelevant and should sit down if he has no material?

The Speaker (Mr. Slade): Order! It would be in order if the hon. Member was being irrelevant but I have not noticed it yet, I am afraid.

Mr. Munyasia: Mr. Speaker, Sir, I do not know why the hon. Member for Homa Bay is worried.

Mr. Speaker, Sir, what I was saying is this. According to the Bill, we see that one woman goes about with three or four men, and then the three gentlemen are affiliated to the same woman. My argument is that the first man who went about with the lady should be responsible for the maintenance of the first child; but if she produces a second child by a different father, then the affiliation order should be cancelled. This is my argument.

Mr. Speaker, Sir, I was saying that I do not remember anywhere in history where a woman has seduced a man. It is only men who approach women, and then we say women are at fault. They are not at fault. Mr. Speaker, Sir, it is only we men who interfere with women. When you interfere with someone, you are responsible for the outcome. Mr. Speaker, Sir, I would suggest that the father of the first child should be responsible for its maintenance, its education and clothing. Why I say this is—the hon. Kago did put the question rightly—that this little girl was educated—I am surprised to see the Vice-President laughing, yet he is the father of some children, what would happen?

The Vice-President and Minister for Home Affairs (Mr. arap Moi): On a point of order, Mr. Speaker, the hon. Member is very keen in making allegations. What have I done wrong by happening to smile? Was he really in order to use my name when I am innocent?

The Speaker (Mr. Slade): Yes, I think it is in order for hon. Members to object when they see other Members laughing at what they believe to be a serious matter, and certainly in referring to Mr. arap Moi the hon. Member was not making any derogatory reference, he was only honouring Mr. arap Moi for being the father of children. Quite legitimately.

Mr. Munyasia: Mr. Speaker, Sir, with due respect to the Vice-President, I did not mean to annoy him but to make him more attentive. This is a serious matter and we must consider it very seriously because we are all affected.

[Mr. Munyasia]

If I support this Bill, then it affects the Kikuyu in majority. I am not supporting the Bill. Mr. Speaker, my worry is about the life of that child. The child does not come on this earth on the will of one person, it must be a connexion of the two, and the two people in question are the ones responsible for the maintenance of the child.

Mr. Speaker, Sir, I support hon. Kago on what he has said, that we as fathers bring up children, educate them, clothe them, feed them until the age of 16 years. The girl might go up to secondary education. If at the age of 16 years someone interferes with the girl, her education is cut off. I was surprised yesterday when I heard the hon. Member for Nakuru saying that the existing law is a colonial law. It is not a colonial law because in 1964—

Mr. Mwithaga: On a point of order, is it in order for the Member to speak emotionally and refer to what I said yesterday as calling this "colonial law", when HANSARD can prove me right that I never said that, I said it was a "foreign idea".

Mr. Munyasia: It makes no difference.

The Speaker (Mr. Slade): I am afraid I cannot remember exactly what Mr. Mwithaga said, but I had in mind that he had referred to colonial law. I could be wrong and Mr. Munyasia could be wrong. Let us not worry about it.

Mr. Makone: Mr. Speaker, Sir, can we not be helped by the Chair? Is the Member really speaking on the Motion?

The Speaker (Mr. Slade): Yes, hon. Members must understand the nature of this amendment; it is in effect direct opposition to the Bill, temporarily anyhow, and so he speaks on all the merits of the Bill. It is not merely like a Motion for adjournment of debate. This is a Motion that, in effect, the Bill be rejected, for the time being anyhow.

Mr. Munyasia: Mr. Speaker, Sir, thank you. The hon. Member for Nakuru is insisting on whether he referred to this law as a colonial law. He said, Mr. Speaker, "We want African law", and I was drawing your attention back to 1964—

Mr. Mwithaga: On a point of order, is it in order for the hon. Member to persist, when you have ruled, Mr. Speaker, emotionally still, when I can produce HANSARD here to prove that I never said that? He is misquoting me.

The Speaker (Mr. Slade): I did say we had better accept Mr. Mwithaga's correction of what he said, and do not let us have things which give rise to such frequent points of order.

Mr. Munyasia: Mr. Speaker, Sir, there was a lot of interjections. If this House is being requested to repeal the Bill and in the middle there will be left a big gap, it does not bring something immediately to show that it will replace this one. Therefore, Mr. Speaker, with this I feel that the Bill must be put off completely so that Government redrafts it so that we can propose the amendments. We cannot do anything unless we can see what has been put here as a replacement.

Mr. Speaker, Sir, with these few remarks, I beg to oppose the Motion.

The Speaker (Mr. Slade): Mr. Munyasia, you are seconding the amendment actually are you not?

Mr. Munyasia: Yes, Sir.

The Speaker (Mr. Slade): I will propose question of the amendment. The question now before the House is that the word "now" be left out of the question.

(Question of the first part of the amendment, that the word to be left out be left out, proposed)

The Speaker (Mr. Slade): Mr. Thimangu-Kaunyangi.

Hon. Members: He spoke.

Mr. Thimangu-Kaunyangi: Mr. Speaker, Sir, I spoke on another amendment—

The Speaker (Mr. Slade): Order! Have you spoken on the main debate, Mr. Kaunyangi?

Mr. Thimangu-Kaunyangi: Mr. Speaker, Sir, I spoke on another amendment, and not this one.

The Speaker (Mr. Slade): Any hon. Member who spoke on the main question cannot speak again on this.

Mr. Thimangu-Kaunyangi: Mr. Speaker, I did not speak on the main question, but I spoke on the adjournment.

The Speaker (Mr. Slade): You can speak in that case. You can speak now.

Mr. Thimangu-Kaunyangi: Mr. Speaker, Sir, I support this Motion. The only reason which can make one support this Motion is the question whether there is need for consultation, or whether there is need for further investigation, or whether there is a need to listen to various opinions from the public. Mr. Speaker, I think in this case, there is a need to consult various bodies, there is need to consult amongst ourselves—

On a point of order Mr. Speaker, there is a lot of noise.

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

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

The Deputy Speaker (Dr. De Souza): Order! Let us have a little less noise.

Mr. Shikuku: On a point of order, suppose Members are dissatisfied with what is going on, are they not to be allowed to walk out in protest?

The Deputy Speaker (Dr. De Souza): Order! If hon. Members made a little-less noise there will be no need for all this. Please continue, Mr. Kaunyangi.

Mr. Thimangu-Kaunyangi: Mr. Speaker, Sir, I hope this time you will protect me from all this noise.

An hon. Member: We shall defeat you.

Mr. Thimangu-Kaunyangi: Mr. Speaker, an hon. Member is saying that they will defeat me but still they should allow me time to put forward my views. Mr. Deputy Speaker, Sir, I am putting the same views which I had put before—

The Deputy Speaker (Dr. De Souza): Yes, Mr. Shikuku.

Mr. Shikuku: On a point of order, this is one of the things, Mr. Deputy Speaker. Some of us have been here from 2.30, and have been hearing the same thing, because he has been given several chances to speak. Are we to allow that?

The Deputy Speaker (Dr. De Souza): Order! Mr. Shikuku, you cannot say that, the hon. Member has spoken twice. However, he did speak earlier on, I know, on the adjournment, and he is now being called to speak on the main Motion. That is perfectly in order. He is perfectly entitled to speak. Perhaps if he was given little chance to speak—because of this noise that is going on he cannot continue—he might be able to speak a little bit quicker. The only thing, Mr. Kaunyangi, there is no need to repeat what you have already said. You are now speaking on the main Bill, previously you were speaking on the adjournment of debate. Please understand this.

Mr. Mwithaga: On a point of order, Mr. Deputy Speaker, I know I spoke yesterday and I have no interest to speak. I am seeking your guidance as to whether, an issue like this which affects the whole nation with a lot of sensitivity, should be treated or viewed from a smaller angle or a wider scope?

The Deputy Speaker (Dr. De Souza): What is your point of order? Is that a point of order? Surely you should have known by now that that is not a point of order.

Mr. Mwithaga: I was seeking your guidance, Mr. Deputy Speaker.

The Deputy Speaker (Dr. De Souza): No, no. Do not interrupt on a point of order which, in fact is not a point of order.

Mr. Lubembe: On a point of order, when an hon. Member stands up and says that he is going to repeat all that he had said before, is there any necessity for the House to have to listen?

The Deputy Speaker (Dr. De Souza): Mr. Lubembe, just now I have dealt with another point of order like this one. Carry on, Mr. Kaunyangi.

Mr. Thimangu-Kaunyangi: Mr. Deputy Speaker, Sir, I am not challenging your ruling, but you said that I was speaking on the main Motion, which was not the case.

Mr. Ngala-Abok: On a point of order, Mr. Deputy Speaker, Sir, it seems that this amendment is very unpopular and the hon. Member speaking is very unpopular, so can the question of the amendment now be put?

The Deputy Speaker (Dr. De Souza): No. Please continue Mr. Kaunyangi. What is your point of order Mr. Gikunju?

Mr. Gikunju: On a point of order, Mr. Deputy Speaker, I am seeking your guidance. The hon. Member who interrupted said that the hon. Member speaking was unpopular. Could he substantiate how unpopular he is?

The Deputy Speaker (Dr. De Souza): Order! I do not understand this whether an amendment or any move to beat the Bill is unpopular, or popular is quite irrelevant. The point is that every hon. Member is entitled to speak, even if he is in a very small minority. In fact, one of the purposes of the Speaker's power to disallow the closure is to ensure that every party or every group, whatever their opinion might be, has a chance to speak. That is what I am doing. The fact that he is unpopular makes no difference. He is still entitled to speak. It is not a ground to have a quick closure because he is unpopular.

Please, let us have no more dilatory or frivolous points of order. We should get on with the motion. It is quite obvious, and I can see what the feeling of the House is, but every person should have the chance to express his point of view, and this is what I am trying to see he has.

Mr. arap Biy: On a point of order, Mr. Deputy Speaker, when the House becomes so noisy, so rude and so unruly, is there any way—or would I be in order to move that the House be adjourned until tomorrow?

The Deputy Speaker (Dr. De Souza): I would not accept that, but the only thing is that if there are some hon. Members who appear to be unruly, I will ask them to leave the Chamber. Carry on Mr. Kaunyangi.

Mr. Thimangu-Kaunyi: Mr. Deputy Speaker, Sir, I hope now the House has settled down.

Mr. G. G. Kariuki: On a point of order, Mr. Deputy Speaker, Sir, in view of the existing confusion, would I be in order to move that the Question of the amendment be now put?

The Deputy Speaker (Dr. De Souza): I do not know whether you heard Mr. Ngala-Abok moving this just about ten seconds ago and my refusing to put it. There is, therefore, no need to put it again, and the question of confusion or unpopularity is totally irrelevant. It is a question of allowing every side to express its opinion even if it is a small minority. Please let us not have these unnecessary points of order.

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, I seek your guidance on this. What happens—I know the Speaker, has the right to rule that the debate should continue. But what happens in the case where the majority of Members are against it?

The Deputy Speaker (Dr. De Souza): You have already heard me many times, Mr. Shikuku. You just accept it.

The Assistant Minister for Commerce and Industry (Mr. Kerich): On a point of order, Mr. Deputy Speaker, Sir, in view of the fact that there has been a lot of points of order, is there any way whereby, Mr. Speaker, can curtail these points of order so that we can continue with the debate?

The Deputy Speaker (Dr. De Souza): Yes, by sending these people out of the House, if they raise unnecessary points of order.

Mr. Thimangu-Kaunyi: Mr. Deputy Speaker, I hope the House has now settled down, Mr. Deputy Speaker, I was supporting this Motion because we know that there are children, for example, who are benefiting from the Act. Some of them are at school, and the others are somewhere else. We know that if we repealed this Act today, tomorrow those children would be left unprotected. Even if they are few—

Mr. Ngala-Abok: On a point of order, Mr. Deputy Speaker, is it in order for the Member to mislead the House by saying that, if we pass this Bill, then those already affiliated will be discontinued?

Hon. Members: Yes. Yes.

The Deputy Speaker (Dr. De Souza): If you have the Bill, Mr. Ngala-Abok, you will know what it means. It does say that the affiliation orders will be cancelled. It is quite clear from the Bill, and the Attorney-General can correct me if I

am wrong, but from what I can see, all the affiliation orders will automatically cease to exist. That is quite right.

Mr. Thimangu-Kaunyi: Mr. Deputy Speaker, I was saying we know that there are some children—although they are few, and although the Act might have been abused—we know there are some children who might be in various schools, or who might be benefiting even if it were only for their daily bread. We know that if this Act is to be repealed, unless there is another Act tomorrow, these children are going to be left unprotected.

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, this very statement has been repeated in the first amendment, and now he is repeating it again. Is that in order?

The Deputy Speaker (Dr. De Souza): There is no need to rise on a point of order every time. There is repetition, I agree, but there is no need for you to rise every time. Carry on Mr. Kaunyi.

Mr. Thimangu-Kaunyi: Mr. Deputy Speaker, Sir, I have been sitting in the House throughout the debate and I have not heard this repeated as the hon. Member has said.

Hon. Members: It has.

Mr. Thimangu-Kaunyi: As I am saying, even if it has Mr. Deputy Speaker, I am speaking on this Motion and I have the right to speak the way I feel.

Mr. Deputy Speaker, even though the noise is going on, what I mean is that why we should give a second thought to this repeal is because it will affect these children's life. It affects even that daily bread. There are children whose mothers cannot afford either food or education for them. These children, Mr. Deputy Speaker, have been benefiting from the previous Act. That is why I say—although I am not quite a doubting Thomas—although the Government has said it will introduce another Act to protect these children, this will affect these children even if it be for only one or two weeks. If for example, these children are in private schools or in the town where they need to buy their daily bread every day, then these children will be taken away from their family with nothing—nothing to rely on when these allowances disappear. That is why I said, Mr. Deputy Speaker, that Members should ask themselves, "What is the hurry"?

Mr. Munyi: On a point of order, Mr. Deputy Speaker, I am seeking your guidance. I have been too attentive and I would like to know what happens when a Member repeats exactly the same words which he—

The Deputy Speaker (Dr. De Souza): Order! Mr. Munyi, please do not rise on a point of order. Give him a chance to express his point of view. Any more points of order like this will mean the Member going out of this Chamber. Carry on Mr. Kaunyangi.

Mr. Thimangu-Kaunyangi: Mr. Deputy Speaker, it was on behalf of those children that I wanted to request the House to give those families time to adjust themselves to living without these allowances.

Mr. Deputy Speaker, Sir, many Members know that if they had a sort of income for somewhere, and this income is suddenly terminated, then they will be confused and some of them might starve. Therefore, I would like to ask the Members to consider these children's cases and think of what would happen to them, so that they allow the other Bill to be brought to the House before we repeal this one.

In spite of all these interruptions, Mr. Deputy Speaker, I beg to support, very much, the amendment to the Motion.

Mr. Godia: On a point of order, Sir, in view of the fact that the speaker has already finished what he was saying, and in view of the fact that the House wants the question of the amendment put, may I ask you, Sir, to put the question of the amendment?

The Deputy Speaker (Dr. De Souza): Order! Order! No. I do not think we must be steam-rolled into this. We must continue with the debate.

Mr. Shikuku.

Mr. Shikuku: Mr. Deputy Speaker, Sir, I—

Mr. Oduya: On a point of order, Mr. Deputy Speaker, may I know whether there is special consideration here, because some Members have spoken more than twice on this Bill and some have not even spoken once?

The Deputy Speaker (Dr. De Souza): I have just told you that— That is a very frivolous point of order, Mr. Oduya. Please leave the Chamber. I have already explained many times that a Member cannot rise on a point of order to challenge the Speaker's choice of a person or, putting it the other way round, whoever catches the Speaker's eye.

So, please leave the Chamber, Mr. Oduya.

(Mr. Oduya withdrew from the Chamber)

Mr. Shikuku: Mr. Deputy Speaker, I do not wish to—

Mr. Ngala-Abok: On a point of order, Sir, as far as I am concerned, the Member speaking has spoken on the main Bill at length and now he is being allowed to speak again.

The Deputy Speaker (Dr. De Souza): Mr. Ngala-Abok, you, too, please leave the Chamber. *(Mr. Ngala-Abok withdrew from the Chamber)*

The Deputy Speaker (Dr. De Souza): Carry on, Mr. Shikuku.

Mr. Shikuku: Mr. Deputy Speaker, Sir, I have not spoken in this debate, since yesterday up until now. This is the first time. I did not even speak on the Motion as amended.

Right at the outset, Sir, may I say that I completely disagree with all those who have spoken supporting the idea of postponing or killing this Bill by having it read a Second Time six months hence. If it is a question of Christianity, I am a Christian. We must remember that we are also the representatives of the pagans in this country.

Mr. Thimangu-Kaunyangi: On a point of order, Mr. Deputy Speaker, I seek your guidance here. Under Standing Order 75, what would happen if a Member speaking has an interest in this Bill and does not declare it before speaking but later it is found he does have an interest?

The Deputy Speaker (Dr. De Souza): Well, any hon. Member who has an interest in the Bill he is speaking on must, according to Standing Orders, declare his interest. This is quite clear. It would be a breach of the Standing Orders of this House for any Member who is speaking not to declare his interest if he has one.

However, we do not want to go into this now. I am sure hon. Members are aware of Standing Orders, and if they have an interest they should declare it.

Mr. Shikuku: Really, Sir, I have no interest to declare. The interest I have is that this question of using children as a means to get money out of the men should stop.

Now, Sir, why I support the Bill and oppose the adjournment of the debate on this Bill for six months is as follows.

Mr. Thimangu-Kaunyangi: On a point of order, Mr. Deputy Speaker, this arises from the previous point of order. If it is found that the Member speaking is "affiliated", would that be counted for the purposes of Standing Order 75?

The Deputy Speaker (Dr. De Souza): Yes.

Mr. Shikuku: Sir, I am not worried, I am not "affiliated". If he is, then that is too bad, and it is not my fault.

Now, Sir—

The Vice-President and Minister for Home Affairs (Mr. arap Moi): On a point of order, is it in order really for the hon. Members instead of speaking for or against in the normal way on

[The Vice-President and Minister for Home Affairs]

this issue to go down into minor matters which are not as serious as the matter of this Bill? I think it would help us to save the dignity of the House if we speak on those matters which are of grave importance to the nation.

The Deputy Speaker (Dr. De Souza): Yes, I think the Vice-President is very correct. One should avoid personalities, and even a direct or indirect reference to personalities.

However, Mr. Kaunyangi is also correct in that, if an hon. Member—I do not know whether this is the case now—speaking has an interest, he should declare it. I assume, of course, that every hon. Member who has spoken, and has not declared an interest, does not have an interest. Otherwise, perhaps, hon. Members would be better advised not to speak if they do not want to declare an interest. I am quite sure that, so far, those hon. Members who have spoken have done so quite freely and frankly.

Mr. Shikuku: Sir, why I support the Bill, and the fact that it must be read now, and not six months hence, is this. First of all we are concerned about the welfare of the children. That is all. We are not concerned with the mothers nor the fathers. It is just the children. We who support the Bill are out to get the child delivered to the man, and the man to take care of the child. It is wrong for those who are opposing this Bill to imagine that we are such fools to repeal the law and leave the children in the streets. That is not what we are here for. We are here, Sir, to—even the new Bill will show—and this has been outlined—that the man is responsible for this. He shall be responsible for bringing up the child plus the mother if she is not economically sound to bring up the child. So we are not going to throw the children into the dustbins at all.

The other thing, the defect of the present Bill, is that it has encouraged more of home-breaking. These days when you quarrel just a little bit with your wife, she gives up and says, "I am leaving and you will be paying for these children anyway while I will be enjoying my life." This has made life even more difficult than it was before.

Another reason why I disagree with the present Bill is that it is a sort of *mrija*, a *mrija* for women. This is what is going on. You have a girl who is pregnant, and she has about ten boy friends. She goes to the first one and tells him, "Big man, look, I am now pregnant. I will take you to Makadara." Then the big man, because he wants to preserve his name says, "Come here,

take this but do not mention this thing. I will take the baby." That is the first man. I the same way, she goes to the second man, the third man, the fourth man right up to the tenth man. Then she makes up her mind about the one man of these ten who she will take to Makadara. Mr. Deputy Speaker, Sir, we have to stop this; we have to stop this through thick and thin. The only way to stop this is to repeal the damn law and get something else in its place.

Then we come to the question of the commission for inquiry which has been touched on. What inquiry do you want? What do you want to inquire into? You know when a woman is pregnant; you do not need a commission of inquiry to find out if and when she is pregnant. Is it not a fact, Sir, that children are being produced day and night? What do we need to inquire then? Why waste the money of the public on inquiries? This is useless. We know these things happen and we also know there is no country in the world which does not have this problem. The problem started with Adam and Eve and it will go on. There is no medicine to stop this. The only thing we have to do is to arrange things so that there is no destruction of the young men and women who come into this world.

According to our African society—this is the point: we are Africans and so we shall remain—things are different. We have had western civilization. There are things in the western civilization which are good and there are things, also, which are bad. One of the bad things is this question of affiliation. So we must get rid of it.

There is another law in the western civilization which stipulates or states that it is wrong to get a second wife if you are married at the district commissioner's office, and if you do that it is bigamy. This question of bigamy must go also. The Attorney-General must bring a provision here to do away with bigamy, for the simple reason that this is not in keeping with the African traditions and customs at all. It is the problem of the European; let it remain with the European. Why should be bring it here to this land of Africa? These are the bad things in this law which we do not want.

Another dangerous thing, Mr. Deputy Speaker, for which this Bill must be repealed is this, and I will give my reasons for that. This is the real danger. We, as Africans, in this country—and even on the Continent of Africa—believe that a man is in charge of the family. The child belongs to the father. Even on the identity cards of these hon. Members—as well as the people outside—it states "Mr. So-and-so, the son of So-and-so"; they do not write the mother's name at all. So

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this idea of affiliation is encouraging the idea that the son or the daughter belongs to the woman. This is wrong. Where did we get this idea from? Even in the Bible, Jesus is not quoted as being the son of Mary. He always referred to Himself as being the Son of Man, not of woman. Where did you get this idea from?

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

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

By accepting the Affiliation Bill, we are discharging our responsibilities and we are interfering even with Jesus Himself because he is the Son of Man and not of woman. This is the most serious part of the whole Affiliation Bill.

These women, and well-to-do women insist these days that, "The child is mine". If you insist that the child is yours why ask for affiliation? It is yours. We pay the affiliation fee and yet the child may be somebody else's. Why should we pay that fee? Are we going out of our minds? Mr. Speaker, I believe we are not. We are still clear in our thinking. Western civilization has not quite demoralized us. We can overcome this threat from the women to try and own children instead of letting us own them.

Mr. G. G. Kariuki: On a point of order, Mr. Speaker, now that we have heard enough from hon. Members on this Bill, I would like to move that the question of the amendment be now put.

The Speaker (Mr. Slade): I think I should allow Mr. Shikuku just to finish off his main points and then, I agree, it would not be premature to do so.

Mr. Shikuku: Mr. Speaker, I was just about to finish.

It is in the interests of the people of this country and the children that we are doing this. We are going to have a Bill where I hope it will be clearly stated that when you impregnate a girl you shall first of all, if it is proved that it is your child, give the child a name, and then the child will go back to the mother, stay with her until the age of two or three, during which time you are also paying for the maintenance of that child, and then after that you will get the child to yourself. This is the only way things can be done. This will solve a lot of problems. For example, my friends here, those in Kiambu, according to this law they take all the babies there. We want all those babies back; we will take care of them. We would like to have those babies back. It should be the policy of this House—

Mr. Gikunju: On a point of order, Mr. Speaker, I am seeking your guidance on what the

hon. Member speaking mentioned, thus misleading the House, that the present Act, the Affiliation Act, entitles the mother to have the children, not the man.

The Speaker (Mr. Slade): Order! Order! Mr. Gikunju is quite correct, of course.

Hon. Members who describe what the Act contains must describe it correctly, and there is nothing at all in this present Bill to give effect to what Mr. Shikuku suggests.

However, I think what Mr. Shikuku means is, that if we repeal this, we must then look for another law which will give effect to his principles.

Mr. Shikuku: Having said that, Sir, I do not think we should dwell on this. The Bill should be repealed.

With these few remarks, Mr. Speaker, I strongly support the repeal of the Affiliation Bill.

The Speaker (Mr. Slade): I will now put the question of the closure on the question of the amendment.

(Question, that the question of the amendment be now put. put and agreed to)

(Question of the first part of the amendment that the word to be left out be left out, put and negated)

(Debate to be continued on original Motion)

The Speaker (Mr. Slade): Debate will, therefore, continue on the question as originally proposed which is, that the Bill be now read the Second Time.

MOTION FOR THE ADJOURNMENT

DISCRIMINATION IN OPERATION OF TRADE LICENSING ACT

The Speaker (Mr. Slade): There is a matter to be moved on the adjournment. Would a Minister please move that the House do now adjourn.

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, Sir, I beg to move that the House doth now adjourn.

The Assistant Minister for Local Government (Mr. Munoko) seconded.

(Question proposed)

Mr. Pandya: Mr. Speaker, Sir, I am raising this matter on the adjournment to get the views of the Government on a fundamental matter of equality of citizens and also to enable the Government to clarify what their policy is regarding the issue of trade licences to citizens irrespective of race.

Now, Sir, the Ministers of this Government have often proclaimed their firm resolve to uphold the rights of citizens in this country and accord

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them equal treatment. I would like now to quote from the statement of no less a person than His Excellency the Vice-President who said on the 21st May in this House that: "It was not the policy of this Government to discriminate against citizens, whether they were Asian or European Kenya citizens". Further, he said: "Kenya Asians or Europeans were treated exactly the same as anyone else".

Sir, the hon. Mr. Mboya, Minister for Economic Planning and Development, said this in London when he was attending the Commonwealth Prime Ministers' Conference, and I quote,

"The citizens who may have been affected can, in fact, appeal and the position will be put right. They can go to the Ministry of Commerce and Industry, and in the final analysis they have the right to appeal to the courts. In such a major operation, there is a possibility of mistakes by those who were sorting out the notices."

Mr. Speaker, Mr. Kibe, the Permanent Secretary to the Ministry of Commerce and Industry was quoted as saying this in the *Daily Nation* of Saturday, 11th January:

"Mr. Kibe explained that all citizens appealing must prove their citizenship and indicate who their shareholders are. If the majority of shareholders are citizens, then they must be reissued with licences immediately."

Hon. Members need not be reminded, also, of the reply that was given by the Attorney-General in this House, on behalf of the Minister for Commerce and Industry, on the 26th of May, that some "Quit Notices" had been served on Kenya citizens by mistake.

Mr. Speaker, let us look at the facts against the assurances that have been given by the Ministers of this Government.

The first example is, Market Mobile Service Limited of Koinange Street were originally given notice to quit and they appealed against the decision of the licensing officer. I am sure the Appeals Tribunal, in their wisdom, considered this matter favourably but the Minister rejected the appeal. In fact, Sir, this firm has now been given time until 30th June to cease operations. I would like to emphasize that all the five directors of this firm are Kenya citizens and, 100 per cent of the shareholding is held by Kenya citizens.

Mr. Speaker, I would like to lay these papers with photostat copies of the passports on the Table for the Minister to see, to prove my point.

(The hon. Mr. Pandya laid the documents and the passports on the Table)

Mr. Speaker, the other case is that of Hirji Maya Shah of Nairobi who was treated in the same way as the case I have already quoted and this appeal was rejected by the Minister.

Now, Sir, the firm is controlled to the extent of 80 per cent by Kenya citizens and all the evidence is available to prove this fact. I lay on the Table, Mr. Speaker, the Notice to Quit that was served by the Ministry.

(The hon. Mr. Pandya laid the "Quit Notice" on the Table)

I can give the third instance of Lakhmidas and Sons of River Road, plot No. 138/21. This firm is controlled by 75 per cent of Kenya citizens.

In fact, Sir, I have several names here before me, but I do not want to labour on this point because the Minister will see that I have brought facts to this House to prove the points that I am making.

Mr. Speaker, the situation really becomes intolerable when one notes that non-citizens are allowed to trade within the same vicinity and area and, in fact, have been granted licences, while citizen companies have been denied what I firmly and strongly believe is their right.

Mr. Speaker, Sir, if I may say so, this attitude of the Ministry is really making a mockery of citizenship and, in fact, is subjecting these people who have opted to taking citizenship of this country to a ridiculous position.

Mr. Speaker, let us look at some of the peculiar practices of this Ministry. 100 per cent non-citizen firms have been given permission to deal in specified goods while there are citizen companies which have been denied this right and I believe this is a right which is justified and they should have been the people who were given permission to deal in specified goods. What does the Ministry do? It gives 100 per cent non-citizen companies the right to deal in specified goods. Let me give you another example of what this Ministry is doing: a firm, of which 45 per cent control is in the hands of citizens, has been given notice to quit while, Mr. Speaker, the firm next door is a 100 per cent non-citizen company and they were granted a trading licence for this year. I cannot see anything more ridiculous than the practice of this Government when they discriminate so much against the citizens of this country as against the non-citizens.

Mr. Speaker, I put it to the hon. Members if this is what the Government policy should be? I hope that they, in their wisdom, will reject whatever the Minister may have to say on this point.

[Mr. Pandya]

Mr. Speaker, these companies which I have said are citizen companies are, in fact, suffering considerable hardship as they have been asked to cease operations and such pressure has been put on them that they are unable to collect their outstanding debts to enable them to carry on their other activities. Representations have been made to the Minister but, Mr. Speaker, I am sorry to say that so far no action whatsoever to redress the genuine grievances of the citizens of this country has been taken by the Minister.

I also hear of cases, and this is very important, where some of the officers of the Trade Licensing Office are bringing pressure to bear on these merchants and, in fact, trying to victimize these people to transfer their leases to those people recommended by the officers. Mr. Speaker, this I believe is really against the concepts of equality and justice in this country.

The Minister for Commerce and Industry (Mr. Kibaki): On a point of order, Mr. Speaker, I do not want to interrupt the hon. Member but he made an allegation that officers of the Ministry have victimized certain individuals and tried to get them to transfer leases to people recommended by those officers. Has he facts to substantiate this?

Mr. Pandya: Mr. Speaker, the hon. Minister knows that I am always a man with facts. The allegation that I have made, although I think it is very serious, I cannot substantiate it at this stage, but in consultation with you, if you require a substantiation, I am sure I can get it, and if I cannot get a substantiation, I will apologize to this House. I do not know what the procedure is.

The Speaker (Mr. Slade): Mr. Pandya, if you were meaning to say a thing like that when you were preparing to raise a matter you should have come armed with the facts. However, it is such a broad matter that I think here you should be allowed 24 hours in which to substantiate. Can you substantiate not later than Friday?

Mr. Pandya: Mr. Speaker, in that case may I withdraw the allegation. I will in the meantime try to see—

The Speaker (Mr. Slade): Withdraw if you cannot substantiate.

Mr. Pandya: I withdraw that, Mr. Speaker, Sir.

Mr. Speaker, I hope that when the Minister replies, he will not advance the argument to this House that partnerships are to be treated differently from limited companies because I think it would be a lame excuse to carry on this practice

of discrimination. As I understand it, the Trade Licensing Act is very clear in clauses 2 and 5 and this could in fact, be a matter for legal argument in a court of law.

Mr. Speaker, I want to make one point very clear as to why I am raising this matter here. I did make representations to the Minister, but some considerable time has elapsed and I am sorry to say that no opportunity was taken to explain the position to me. I do feel that the country is entitled to know what position is about these citizen firms. My main purpose is to get a clear statement so that citizens are aware of their rights and of the policy of this Government. So far, some of the statements of fair play and justice are not backed by actions and I am afraid they are contrary to the fundamental rights of citizens.

Mr. Speaker, it is in the spirit of giving the opportunity to Government to make a statement to this House that I beg to move.

Mr. Mwithaga: Mr. Speaker, Sir, I am seconding this Motion with the understanding that, in fact, we have a Constitution. All of us here have sworn to uphold and defend that Constitution. The Constitution provides the position of the citizen, irrespective of his country of origin, colour, creed or anything else. Justice cannot be tampered with when a country has decided to uphold justice.

Mr. Speaker, Sir, I represent a town where similar cases are to be found. In fact, I have had individuals coming to me complaining that they have had their licences issued in this manner or that and yet they are citizens. I am saying, what was the use of providing citizenship in the Constitution of this country, if that is not going to be respected? As a representative, I am having difficulties in trying to explain this and defend the Government on an issue like that when the Government itself has put the whole situation in a mess.

Mr. Speaker, Sir, if the Minister says right now that there are Constitutional rights whereby citizens, irrespective of their country of origin or colour, enjoy full rights as a citizen, and he confirms that, let him tell us now. If this is not going to be upheld, he must tell us and we will amend the Constitution so that we can deny citizenship to non-Africans.

Mr. Speaker, Sir, justice is justice and I remember that when the President was delivering his speech on Madaraka Day, he gave an example to all of us when he referred to one of his Ministers and said that despite his colour he is an African at heart, he is a true African and he is a Cabinet Minister. If the ordinary man in the street is

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going to be mistreated, what will happen tomorrow? Those citizens being maltreated have a right to sue the Government under the Constitution, they have the right, and if they take legal action they will defeat the Minister and that would mean defeating the Government.

Mr. Speaker, I think the gentlemen involved have been too patient and I think they have been too tolerant, even to the extent of avoiding a show-down with Government, a show-down which would actually be in their favour. Therefore, Mr. Speaker, Sir, we all believe in Africanization as we have said, but, Mr. Speaker, Sir, this House has not said this should be to the detriment of the citizen because of colour. This Government, Mr. Speaker, Sir, has spoken against colour prejudices in other countries like America, in South Africa, and in fact has supported war being waged against those countries where racialism is being emphasized.

What is our position when we treat our own citizens with similar measures of discrimination? Are we not making a mockery of the whole issue? Are we not actually abusing our position, nationally and otherwise, when we talk of the Trade Licensing Act, and the Trade Licensing Act we passed here provides that citizens will be allowed to trade in all the goods the non-citizens cannot trade in? Why should we allow non-citizens to trade in those goods which is denied the citizen next door, as if we want to shame him that by becoming a citizen this has nothing to do with us, and your neighbour can go ahead.

Now, Mr. Speaker, Sir, this is very ridiculous and, in fact, Mr. Speaker, those non-citizens who are now carrying on trade in our towns where our citizens are not allowed to carry on a similar trade, are boasting in the bars that they only have to come to Nairobi and talk to the big people and their trade is all right. We have said this in the House here. If this practice is to continue, Mr. Speaker, however respectful we may be to the Minister himself, he will not be able to defend the Government and he will find himself being accused of condoning the allegations.

Therefore, Mr. Speaker, Sir, in seconding this Motion, I do it from a clear conscience and on the understanding that justice must be done even if the heavens fall.

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, Sir, I think before my friends are carried away with the usual emotions there are certain matters—

Mr. Shikuku: On a point of order, Mr. Speaker, I thought the question should be proposed?

The Speaker (Mr. Slade): I have already proposed the question of the adjournment. Hon. Members become a little confused sometimes. In these matters, a Minister moves the adjournment of the House, it is seconded without argument, and the question is proposed immediately; and then the hon. Member who speaks is not actually moving anything. He is just really saying "do not adjourn until you have heard what I have to say". It is different from the Standing Order 20 adjournment.

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, Sir, I will be brief. The Mover of the Motion says he moves it because he would like the Government to make a statement on the equality of citizens. Mr. Speaker, we do not need to make a statement on the equality of citizens on each occasion. For the obvious reason, Sir, that this Government has a proper record to be proud of. There can be seen to be equality of citizens in all fields, in the public service and elsewhere. Mr. Speaker, in matters of commerce, this is also the criteria we have applied.

Mr. Speaker, Sir, I would like to be quite clear. It is true that the Member for Mombasa Central did come to the Ministry about some cases. Mr. Speaker, Sir, it is not true for him to say no action has been taken. The cases he brought forward have been investigated and one of them, which he is laying documents for here, action has been taken on it and the people were given licences, for the very simple reason that the true facts were established. I would like to make sure that Members in this House accept one big problem which we have in this country, particularly the Member for Mombasa Central must serve this nation by talking to his friends and colleagues. We have this problem, and this is why we have the cases which have to be investigated slowly. After the notices were given to companies, many of us—including the Member who is moving this Motion—knew of them as being foreign companies, there has been in at least 90 per cent of the cases we are now hearing about, a deliberate move to change what was supposed to have been the structure then to that of a partnership.

Mr. Speaker, the hon. Member himself is aware that, in so many of these cases, partnerships have been declared to be dissolved, new ones constituted in which young people—one of them was a little boy born in 1964—are supposed to have a majority shareholding in the new partnership, and we are then told this is the same company trading under a new name or it is the old company but the shares of the partnership have been redistributed. Therefore, we should consider it as a citizen company. Mr. Speaker, Sir, we have these details—

Mr. Pandya: On a point of order, Mr. Speaker, is it right for the Minister to mislead the House by quoting other cases, or his general impressions when I can quote one name which I gave here? The one name, Mr. Speaker, is Hirji Maya Shah, and I can see this on the certificate of the accountant. In fact this company in 1966—

The Speaker (Mr. Slade): Order! I do not think you have a point of order there, Mr. Pandya. You cannot start arguing the facts you know. If you are challenging what the hon. Minister says, then you can ask him to substantiate something. That is different from your getting up and telling a story on a point of order.

Mr. Jamal: On a point of order, Mr. Speaker, is it not true that when some people make an appeal, it is based on annual returns which were submitted last year? The appeals are made on the strength of last year?

The Speaker (Mr. Slade): No point of order.

Mr. Omar: On a point of order—

The Speaker (Mr. Slade): I hope it is this time, because we cannot have points of argument raised as points of order.

Mr. Omar: It is a point of order, Mr. Speaker.

Mr. Speaker, Sir, the Minister has said there was a company where one of the shareholders was born in 1964, can he substantiate?

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, we have this list but I did not bring the file here. These facts have been brought to me from the Appeals Tribunal, and I am willing to lay the file here.

The Speaker (Mr. Slade): You will do it tomorrow?

The Minister for Commerce and Industry (Mr. Kibaki): I will.

Mr. Speaker, Sir, it is not at all that we are disputing on matters of principle with the hon. Members. What I am saying, and as I said I am not disputing the fact the hon. Member has good intentions, the fact is that we have had a very difficult job of investigating partnerships which, at the time the notices were issued, were known quite clearly from the records to be non-citizen in their shareholding. After three months, this was changed. Mr. Speaker, when the appeals are brought, it is our job—and we would be failing in our duty if we did not do so—to investigate how it comes it has been changed, that now there is claim for full citizenship. One of the companies which is a typical example and which the hon. Member brought up here, which is in River

Road. We have investigated this. Mr. Speaker, Sir, the hon. Member himself knows how many changes there have been in the ownership of the company within a very short period of time.

Mr. Speaker, Sir, one has to know because there was a company before; then the company was in some difficulties and a new one was registered in the name of one lady and one young son, who was in Europe, as having shares in it; and then, Mr. Speaker, the whole structure of that company we gave notice to was changed. We therefore have to investigate afresh as to whether we are right or not. When we have found the change is a genuine one, then, Mr. Speaker, we have issued licences. Mr. Speaker, this is the principle we follow. We have issued licences to any company we have investigated and found the changes claimed to have taken place in the ownership of the shares, have been genuine changes to citizens.

Mr. Speaker, I would really like to appeal to this House to appreciate we are dealing with a very complicated problem where there have been deliberate efforts to mislead the officers in the field by changes in the so-called partnerships. Mr. Speaker, Sir, we will, we hope, bring an amendment here to strengthen the hand of the Government in dealing with these matters. This is because where there is a public company, Sir, the details of the company are supplied to the Registrar of Companies; the ownership of the shares is known; and there is an annual return which is required by law; then the facts are definite. Where it is a partnership, genuine or otherwise, under the present law, one does not require these people to file any details, except of course, the usual tax returns which are not easily accessible to our officers. We have this major problem in checking if the changes which take place after notice has been given are genuine ones.

I would like the Members in this House to bear with the officers who are trying to do a job of work. I would like to deny here the allegation by the Member for Mombasa Central—I think it is not becoming for him because he has a lot of respect in the community—to suggest that some officers in the Ministry are victimizing some individuals. I, myself, would be the first person to see to it that we expose and deal with any officer who uses his position to obtain favours for any particular person. Mr. Speaker, all of us want to deal with that kind of problem, but if there is nothing which has actually happened, and we go by gossip, then we are destroying the morale of the people who we, ourselves, as a Government, depend on for effective administration of the laws we pass in this House.

[The Minister for Commerce and Industry]

Mr. Speaker, there has been mention of the trade in specified goods. It is true, nobody is hiding it and I do not see why anybody should stand here and pretend he has made a major discovery to shout about, that some non-citizens are trading in specified goods. The law itself says, in some instances where there may not be local citizen companies to handle specified goods, then we should be allowed to make exceptions and we have done so in various towns in this country. We are not pretending it is wrong. We are not pretending it is a secret, and I do not know why we have to shout about it. What I would like to hear an hon. Member, like the Member for Nakuru Central, saying is that, in a given area with regard to certain goods, he has some local citizen companies to deal with them and they have been denied the opportunity to do so. This would be meaningful, but not to make a generalized commentary which really does not lead to anything.

Mr. Speaker, Sir, there is no question of mockery of citizenship. People did not take up citizenship in this country in order to manufacture money out of it. People took up citizenship of Kenya because they are committed to living here and to facing facts, to facing problems, and, Mr. Speaker, Sir, there is no discrimination I want to regret—

The Speaker (Mr. Slade): Mr. Kibaki, it is the end of your time.

Dr. De Souza: Mr. Speaker, Sir, I would just like to make one point clear. I am glad the Minister has reiterated there will be no discrimination between citizens. This is important, because however much we hear it, very often one wonders. It is very important for us to restate this because it is very essential and a vital part of our Constitution.

I will come to the point. We know, and accept, it is difficult to check on the proportion of ownership in different shops, but, the Minister did ap-

point a very good committee, an Appeals Tribunal headed by a very able lawyer, Mr. Samuel Waruhiu, and another gentleman, Sir Derek Erskine, who has been a Member of Parliament and a very able Kanu member, and Mr. Mohindra and a few others. They went into great detail and took evidence, into the ownership of these shops. In fact, they allowed some of these appeals. What I would like to know is why were the appeals which they allowed, why were the recommendations they made, summarily rejected without any reason being given either to them or to us?

The Minister is aware that the Appeals Tribunal is more or less on strike today. They have refused to function because, after all the trouble they took to check and verify the citizenship, and the ownership of different shops, they were treated in a very shabby manner, and all that happened was that their own secretary issued cyclostyled notices in the name of the Minister, and I am quite confident no one went to check up in greater detail than they did, saying the Minister had rejected the appeal. Why was this done? Why should we have an Appeals Tribunal if we are going to ignore the recommendations? What is the point of appointing eminent citizens of this country to go and listen to the facts and then totally ignore them?

I believe, Sir, if we have an Appeals Tribunal, we must abide by their recommendations and decisions, and I do appeal to the Minister here, as I have done before, to reconsider the situation and to abide by the recommendations of the Appeals Tribunal who are honest, sincere men, headed by a very able and sincere chairman.

ADJOURNMENT

The Speaker (Mr. Slade): That is the end of our time so the House is now adjourned until tomorrow, Thursday, 12th June, at 2.30 p.m.

The House rose at Seven o'clock.

Thursday, 12th June 1969

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:—

1969/70 Estimates of Recurrent Expenditure of the Government of Kenya for the year ending 30th June 1970.

Republic of Kenya's Development Estimates for the year 1969/70.

By the Assistant Minister for Finance (Mr. Balala) (on behalf of the Minister for Finance (Mr. Gichuru)

The Economic Survey 1969.

(By the Minister for Economic Planning and Development (Mr. Mboya))

ORAL ANSWERS TO QUESTIONS

Question No. 202

PERMANENT HOUSING FOR POLICE FORCE

Mr. Thimangu-Kaunyangi asked the Vice-President and the Minister for Home Affairs if he would tell the House when the Minister would make sure that all grass-thatched police quarters were replaced by permanent or semi-permanent-houses.

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

The replacement of grass-thatched police quarters with permanent housing depends on the availability of development funds. However, because of the number of quarters, and the expense involved, it has been necessary to phase a programme for a number of years. Although I do appreciate the seriousness of this social problem, the hon. Member will realize that my Ministry can only tackle it if sufficient funds are provided. The Government, however, allocates its limited funds on priorities.

Mr. Thimangu-Kaunyangi: Mr. Speaker, Sir, would the Assistant Minister tell the House whether in this coming financial year he has estimated for the replacing of these grass-thatched houses? The House will be prepared to approve the additional expenditure.

Mr. Matano: Mr. Speaker, Sir, I have already said that we are doing it according to the phasing programme that we have determined in the Ministry and this process is going on as funds are available.

Mr. Oduya: Mr. Speaker, Sir, is the Minister right in saying that they have a phased programme for improving the conditions of housing for the police, when actually Kenya has been independent for the last six years and yet throughout the Republic, most of the police houses are made of mud and wattle. The Kenya Government is still wasting 20 per cent to pay Ministers their gratuities.

The Speaker (Mr. Slade): Order! Order! That is not a relevant matter.

Mr. Matano: Mr. Speaker, Sir, I object very strongly when the hon. Member says that the Government has done nothing to improve the conditions of the police housing. There has been a lot of improvement. There are some quarters—permanent quarters—which have been built for the policemen. What I am trying to say is the phased programme for building permanent quarters for the police all over the country cannot be completed in a day.

Mr. arap Too: Mr. Speaker, Sir, in view of the fact that most of these grass-thatched houses, are built together, is the Minister not aware that one day, they will catch fire and will destroy all the secret and confidential Government files?

Mr. Matano: Mr. Speaker, Sir, I do not rule out the possibility of accidents, but this we hope will not happen. If we go as far as that, we can say that even this Parliament can catch on fire.

Question No. 174

LIFTING BAN ON MR. GIKOMBE'S GRAMOPHONE RECORDS

Mr. Munyi asked the Vice-President and Minister for Home Affairs if he would tell the House when he was going to lift the ban on the gramophone records which were produced by a leading African musician, Mr. Cinda Gikombe, and which were banned by the Colonial Government.

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

Mr. Cinda Gikombe's various records are played regularly by the Voice of Kenya. Any ban that might have been imposed against them is no longer valid.

Mr. Munyi: Mr. Speaker, Sir, arising from one of the answers from the Assistant Minister, and arising from the fact that the Assistant Minister

[Mr. Munyi]

knows that these records are being played by the Voice of Kenya, is the Assistant Minister aware that, if today, for instance, I want to reproduce records of Cinda Gikombe, who is the leading African musician in the whole continent of Africa, I would not be allowed to do so? Therefore, Mr. Speaker, Sir, it is high time when the Government should give—

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

Mr. Matano: Mr. Speaker, Sir, there are two things which are being confused by the hon. Member. One is whether the ban is there or not. Another thing is whether the companies will be able to reproduce these records or not. Now, the question of the ban being there, I have already stated that the ban is not there.

The Speaker (Mr. Slade): Next question.

Question No. 186

CERTIFICATES FOR G.P.T. EXEMPTIONS

Mr. Cheboiwo asked the Minister of State, President's Office if he would tell the House whether he was aware that people who were exempted from paying graduated personal tax had not been issued with certificates so that when the police, and Administration Police were checking for tax defaulters, the exempted ones were not interfered with.

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

I am not aware, and I do not think that the allegation is true. Exemption means that the person exempted is issued with an exemption certificate immediately.

Mr. Cheboiwo: Mr. Speaker, Sir, I would like to tell the Minister that this is not true. For example, in North Baringo which I represent, there is no single person having this exemption certificate. Is the Minister aware of this?

The Speaker (Mr. Slade): What is your question, Mr. Cheboiwo?

Mr. Cheboiwo: Mr. Speaker, I am just asking the Minister whether he is aware of this, because I have never seen one myself, even in my own constituency when I was there.

Mr. M. Koinange: Mr. Speaker, Sir, if the Member, or any other Member, has any specific situation in mind, he should report it for investigation.

Mr. Cheboiwo: Mr. Speaker, Sir, I remember last year asking the same question and the Minister promised the House that he was going to investigate or instruct his Provincial Administrative Officers to see that these certificates were issued. All the people who are exempted—

The Speaker (Mr. Slade): Order! Order! You have a right to ask a question, Mr. Cheboiwo, but not to make a speech.

Mr. Cheboiwo: The question here, Mr. Speaker—

The Speaker (Mr. Slade): Order! Sit down, Mr. Lorimo, I am asking you to sit down.

Mr. Cheboiwo: Mr. Speaker, the question here is, the Minister told the House last year that he was going to investigate this or he would instruct his provincial officer to do this, has he done this or not?

An hon. Member: You are right.

Mr. M. Koinange: Mr. Speaker, Sir, investigation cannot be made for the sake of investigation. The issue is that if he knew any specific case and reported it to the proper officers, and saw whether that was investigated or not, that was the proper method.

Mr. Makone: Mr. Speaker, Sir, the Minister has said that there are certificates; we say that there are no certificates. Can the Minister tell the House what colour, blue, red or green, these certificate are, because they are not there. What colour has he, Mr. Speaker?

Mr. M. Koinange: Mr. Speaker, Sir, I did not deny that exemption does exist. What I stated is that when such exemptions exist, then people are issued with certificates of exemption and then that constitutes the exemption.

The Speaker (Mr. Slade): Hon. Members are asking what colour these certificates are?

Mr. M. Koinange: The question of colour, Mr. Speaker, Sir, does not come, because exemption is in the form of papers.

Mr. Mbogoh: Mr. Speaker, Sir, this has been one of those cases where a Minister answers a question without actually knowing the material of his answer. Now that the Minister has said that there is something called an exemption certificate, can I demand now that today, tomorrow, or on a date given, he may lay that kind of certificate on this Table? It does not exist.

The Speaker (Mr. Slade): No, I do not think that as a matter of order, you can require that kind of document to be laid on the Table; but you are entitled to ask the Minister, by way of question, if he would be prepared to produce a specimen, if you would like to do that.

Mr. Mbogoh: Through you, Sir, I ask him to do so, for the House.

Mr. M. Koinange: Mr. Speaker, Sir, I still stand on one particular point: that when there are exemptions, if there are exemptions, the person

[Mr. M. Koinange]

to be exempted from paying taxes, then that person is issued with an exemption certificate. If there is not, then the person is not exempted. That is the point I have in mind.

Now the question is that I will not promise here, I will go to the office, and get that person, if there is such person with exemption, then the certificate must be issued for the exemption.

Mr. Mbogoh: On a point of order. I think the Minister is twisting my words in such a way that he wants to get away with it. He says that he does not want to get an exempted person from the office and bring him here, but I did not ask for an exempted person; it is the exemption certificate itself that I want.

The Speaker (Mr. Slade): No, Mr. Mbogoh, you know that unsatisfactory answer does not give you a point of order. Next question.

NOTICE OF MOTION FOR THE ADJOURNMENT

MATTER OF REPLY TO QUESTION No. 186: CERTIFICATES FOR G.P.T. EXEMPTIONS

Mr. Cheboiwo: On a point of order, I wish to raise this on adjournment, because I am not satisfied.

The Speaker (Mr. Slade): Next question.

Question No. 240

EMPLOYMENT OF FEMALES IN GOVERNMENT

Mr. Kebaso asked the Minister of State, President's Office, if he would tell the House whether he was satisfied that the number of girls employed in Ministries and Government Departments had enough work to justify their monthly salaries.

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

Yes, Sir.

Mr. Kebaso: Mr. Speaker, Sir, my question is: is the Minister satisfied that the present number of girls employed in Ministries and Government Departments have enough work to justify their monthly salaries—

The Speaker (Mr. Slade): Less noise please!

Mr. Kebaso: Just to say yes, is not satisfactory. Is he not aware that some secretaries are too many in offices, and are doing nothing?

Mr. M. Koinange: (Mr. Speaker, Sir, the questioner raised one question—"is the Minister satisfied that the present number of girls employed in Ministries and Government Departments have enough work to justify monthly salaries?" I said, yes, Sir, I am satisfied.

Mr. Kimumai arap Soi: Mr. Speaker, Sir, would the Minister tell the House what basic salaries are given to the secretaries?

Mr. M. Koinange: That is a different question.

The Speaker (Mr. Slade): It is not quite different, I think.

Next question.

Question No. 243

CHIEFS' HELP FOR SELF-HELP PROJECTS

Mr. Nyaberi asked the Minister of State, President's Office if he would tell the House how he ascertained that chiefs and sub-chiefs give response and maximum co-operation to self-help projects being carried out by the general public of their respective localities.

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

From the reports that we have received from members of the Administration in the field, I am satisfied that chiefs and sub-chiefs give response and maximum co-operation to self-help projects which are carried out by the general public in their respective areas.

Mr. Nyaberi: Mr. Speaker, Sir, arising from that answer, and in view of the fact that the district commissioners sit on the district planning committees, would the Minister see to it that, as a matter of necessity the chiefs sit on the planning committees in their localities?

Mr. M. Koinange: That, Mr. Speaker, is a different request which did not come within this question.

Mr. Nyaberi: On a point of order, my question here is that how does the Minister make sure that the chiefs give response to these projects? How does it differ when I am asking if they can sit on the committees?

The Speaker (Mr. Slade): No, I agree that the question is how does the Minister ascertain that the chiefs co-operate in these efforts; I think that a question suggesting how they might co-operate is not irrelevant. You may not feel like answering it, Mr. Koinange.

Mr. M. Koinange: Mr. Speaker, if the Member could say—I must, first of all really object to the word "chiefs" because it is collective throughout Kenya and unless one takes a census one should not collectively say that chiefs and sub-chiefs do this. When he says that chiefs and the district officers should take the chairs, Mr. Speaker, I think that that is a different thing. Co-operation exists but it cannot come through unless these chiefs, district commissioners and sub-chiefs and the public take part as they have been doing.

Mr. Shikuku: Mr. Speaker, arising from that reply, is the Minister aware, if he wants to talk of specific chiefs, that I have a chief in my constituency who is not interested and, as a matter of fact, discourages self-help projects by telling

~~to going to by with \$10,000 money they are paying~~

Mr. M. Koinange: Mr. Speaker, Sir, every Member of this House knows the proper place to report this sort of thing that the hon. Member has said, and if he says that when he reported to the proper place in the Administration and failed, then he can bring it here.

The Speaker (Mr. Slade): Next question.

Question No. 199

AID FOR COMPLETION OF KABIBICH SELF-HELP HEALTH CENTRE

Mr. Kassa-Choon asked the Minister for Health if he would tell the House—

- (a) if anyone from his Ministry had visited Kabibich self-help health centre since it was erected; and
- (b) was he prepared to grant Sh. 20,000 to assist in its completion as he has done to some other health centres in the Republic.

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

The answer to (a) is, yes, Sir.

The answer to (b) is, no, Sir.

Mr. Lorimo: Mr. Speaker, Sir, if the answer to (a) is yes, Sir, would he tell this House who was the Minister who visited that area?

Mr. Otiende: Mr. Speaker, Sir, the question says anyone from his Ministry, and anyone from my Ministry is one of the officers. The Medical Officer of Health who is working for the Sirikwa County Council and the Acting Chief Health Inspector have been there.

The question presupposes that we know of the existence of Kabibich self-help health centre. As far as money is concerned, we do not deal with cases which have not been notified to us by the county councils, so although our officers have been there we have not been asked to give financial assistance. Therefore, if an application for financial assistance is received we shall consider the matter.

Mr. Kassa-Choon: Mr. Speaker, now that the Minister has made it clear that if the county council applies for this amount he will grant this money, will he promise the House that this will

take place because I know that just now the Sirikwa County Council is doing this and I am sure that in a few months' time the Minister will receive our application? Will he now promise the House that this will be paid this year instead of in 1970?

Mr. Otiende: Mr. Speaker, Sir, the condition of financial assistance is that the county council should confirm that that health centre, which is built by self-help, will be adopted by the county council. If they write to that effect they will get assistance.

The Speaker (Mr. Slade): Next question.

Question No. 203

TRADE TESTING FACILITIES

Mr. Thimangu-Kaunyangi asked the Minister for Labour if he would tell the House what he was doing to make sure that Trade Testing facilities were made easily available to those interested.

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

My Ministry, in conjunction with other Government Ministries, has ensured a steady rate of growth in the number of skills or trades for which applicants can be tested. This has, in effect, meant the increasing of staff and equipment at the National Industrial Vocational Training Centre in Nairobi, to a level that can cope with the increasing number of applicants for trade tests which rose from 2,178 in 1963 to 4,588, with a corresponding increase of passes from 990 or 45 per cent in all trades in 1963, to 2,532 or 55 per cent passes in 1968. At the moment, the centre has trade testing facilities for an average of 100 applicants per week, and if the demand for trade tests increases, arrangements will be made to increase the trade test facilities.

The National Industrial Vocational Training Centre has been expanding and it has been evident that at least two other centres in outlying major towns of the country should have similar but smaller institutions to cater for the applicants living within those areas. Arrangements are in hand to ensure that such institutions could be established within the next few years. Meanwhile, a team of Inspectors of Apprenticeship and Trade Testing has been making regular visits to larger towns with major industrial set-ups far from Nairobi, such as Mombasa, Nakuru and Kisumu, where workers who have applied for trade tests have been tested at their places of work.

Mr. Thimangu-Kaunyangi: Mr. Speaker, Sir, while appreciating that reply, and knowing that very many school leavers are learning various

[Mr. Thimangu-Kaunyangi]

trades on their own, and knowing that these tests are only available in the bigger towns, would the Minister, in order to reduce the expense for various students who might want to take these tests and who might be forced to suffer the expense of coming from, say, Meru to Nairobi, make sure that in places where the Ministry of Education has established technical schools, trade testing centres will be established in the rural areas, so that the expense of coming to be tested is reduced?

Mr. Oselu-Nyalick: Mr. Speaker, Sir, at the moment, I do not think that there is any necessity for establishing industrial tests throughout the country, but as I have said, my Ministry is at work carrying out investigations in the major towns and nearby where facilities are available for those interested. When my officers are out on the circuit they can give these people tests if they are interested; I think those who are—whether they are in Meru or anywhere—are catered for.

The Speaker (Mr. Slade): Next question.

Question No. 204

LABOUR OFFICE FOR MERU

Mr. Thimangu-Kaunyangi asked the Minister for Labour if he would tell the House when the Ministry was going to open a Labour Office in Meru, since employment problems were increasing in Meru.

The Assistant Minister for Labour (Mr. Oselu-Nyalick): Mr. Speaker, Sir, I beg to give the following reply.

At the present time, an officer stationed at Embu makes regular visits to Meru to deal with labour matters arising in Meru District. Such visits, which last one week, are made at least once a month, but it has become increasingly evident that labour problems in Meru seem to be increasing, though not at a steady rate.

My Ministry has been carrying out investigations into all aspects of labour matters requiring the attention of a Labour Officer stationed in Meru District, and if the investigations reveal that there is sufficient work to justify the establishment of an office in Meru, arrangements will be made to open an office there, subject to the availability of funds.

Mr. Thimangu-Kaunyangi: Mr. Speaker, Sir, arising out of that reply where the Assistant Minister accepts that employment problems are increasing in Meru, and where he says that investigations are being carried out, would he give an indication as to how long his investigations will

take, and if the results are that a labour officer will be required, how soon will that labour officer be stationed there?

Mr. Oselu-Nyalick: Mr. Speaker, I think the reply is simple, that we have seen that there is an increase of labour matters in Meru, although it is not at a steady rate and, as a result of this, there are a number of factors to go into and my officers are now investigating the possibilities of establishing a station at Meru. Once the results of the investigation are handed back to my Ministry, it will be from that report that we will decide to establish a labour office there or not soon. Therefore, it is not yet for me, Sir, to say the date exactly, but it depends on the result we are going to get since we have agreed that there is a need.

Mr. Mate: Mr. Speaker, Sir, the hon. Assistant Minister is talking about labour and we in Meru could have a Labour Officer from Bungoma, from Loitokitok, Nakuru, Malindi or Kikuyu. Is the Minister suggesting that we in Meru want to offer something on the question of a labour office and that he will not recruit a Luo to come to this labour office? Quality matters and how can you qualify quality without officers?

Mr. Oselu-Nyalick: Mr. Speaker, Sir, it is a bit difficult to follow my hon. friend, but if at all he meant that when the office is established in Meru, we should not put in anybody, whether he is Kikuyu or anybody else, I would like to say that the Government is not concerned with who goes to Meru; it is only concerned that it gets a man from Kikuyu, Masai or anywhere who is a capable man and keen to carry out the work in Meru, so, if Government finds such a man, this man will go to Meru.

The Speaker (Mr. Slade): Next question.

Question No. 239

EMPLOYMENT THROUGH NAIROBI LABOUR EXCHANGES

Mr. Kebaso asked the Minister for Labour if he would tell the House how many persons of each sex had been employed by Government and by the City Council of Nairobi through the Government Labour Exchanges in Nairobi during each of the previous three years?

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

The following persons of each sex were employed by Government and by the City Council of Nairobi through Government Labour Exchanges in Nairobi during each of the last three years.

[Mr. Kubai]

Males of all grades employed by Kenya Government were:—

| Year | No. |
|---------------|-----|
| 1968 | 40 |
| 1967 | 72 |
| 1966 | 57 |
| Total | 169 |

City Council of Nairobi employed only 2 male workers in 1968 but none in the previous years.

Females of all grades employed by the Kenya Government were:—

| Year | No. |
|---------------|-----|
| 1968 | 64 |
| 1967 | 97 |
| 1966 | 46 |
| Total | 208 |

Females of all grades employed by City Council of Nairobi were:—

| Year | No. |
|---------------|-----|
| 1968 | 7 |
| 1967 | 9 |
| 1966 | 5 |
| Total | 21 |

My Ministry has been trying to encourage not only the Government Departments and local authorities but also employers in the private sector to recruit their labour through the country's labour exchanges and it is hoped that the exchanges will be more utilized by employers of labour than they are at the moment.

Mr. Kebaso: Mr. Speaker, Sir, it is astonishing that such a very small number of Government departments are using Government labour exchange. This shows that the labour exchange, both for men and women, is mainly used by private firms and the Government is only using nepotism in order to get whatever material they need in the offices.

Mr. Kubai: Mr. Speaker, Sir, I do not agree with the hon. Member.

Mr. Lubembe: Arising from the answer, in view of the fact that all of us are aware that for the last three years Government has employed a lot of people, what machinery was the Government using to employ all the people in Government instead of through the labour exchange. What machinery was Government using?

Mr. Kubai: Mr. Speaker, Sir, whenever there were new jobs in Government, they were advertised in the papers, and all the job-seekers went to the offices where they were employed for these jobs.

Mr. Munyi: Mr. Speaker, Sir, will the Assistant Minister tell this House whether his Ministry has not been receiving complaints from various sources concerning the present machinery that is being used in giving posts to various people? Therefore it is high time when his Ministry should change the present machinery. It should be altered Mr. Speaker.

Mr. Kubai: Mr. Speaker, Sir, I do not really follow the question of the hon. Member, but all that we have is that we do not and we cannot make it compulsory for the would-be employers to use the labour exchanges.

Mr. Karungaru: Arising from one of the replies that the Minister has given to the House this afternoon, is it not true that even labourers are still being recruited in the Ministries without the question of referring them to the labour exchange, and that it is high time for the Ministry of Labour to abolish these labour exchange because they are meaningless.

Mr. Kubai: I do not agree with the hon. Member, Mr. Speaker, Sir.

The Speaker (Mr. Slade): Next question. Mr. Shikuku.

NOTICE OF MOTION FOR THE ADJOURNMENT

MATTER OF REPLY TO QUESTION No. 239: EMPLOYMENT THROUGH NAIROBI LABOUR EXCHANGES

Mr. Karungaru: With the permission of the hon. Member who had asked this question, I would like to raise it on a Motion of adjournment.

Mr. Kebaso: With all my blessing, I would like him to do it as quickly as possible to propose this question.

Question No. 237

NON-CITIZEN TRADERS IN KAKAMEGA TOWN

Mr. Shikuku asked the Minister for Commerce and Industry if he would tell the House:—

- How many non-citizen traders had been served with notice to quit in Kakamega Town.
- Were there any non-citizen traders who were still trading in Kakamega; if so, how many.
- Should the answer to (b) had been in the affirmative, why.

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, Sir, I beg to reply.

(a) Eleven traders were served with notices to wind up their businesses in Kakamega Town.

(b) Yes, there are 50 non-citizen traders still trading in Kakamega. (c) The reason for the gradual change, Mr. Speaker, is to ensure that the services provided to the public will not be disrupted by the programme of Africanization.

Mr. Shikuku: Arising from that reply, will the Minister tell the House the type of quit notices which were given to what type of Asians. Is it not to some of the very poor useless traders they were given, but the real big businesses, which could go to the Africans, are still being held by the non-citizens?

Mr. Kibaki: Mr. Speaker, Sir, let me say this. If we gave notices to traders who were holding the businesses which were obviously within the reach of the local traders who would not be available to take them over, then I would like to assure the Member that this programme has not come to an end. That is the first phase and we shall move to the second phase fairly shortly.

Mr. Shikuku: Arising from that reply, Mr. Speaker, is the Minister aware that there are traders in Kakamega District who are willing—and that is why I called a conference the other day—to take up all the trade in Kakamega District on a partnership basis. This is not being encouraged by the civil servants there, particularly the district commissioner?

Mr. Kibaki: Mr. Speaker, Sir, I am not aware of the gossip which the Member is trying to insinuate—I call it gossip, Mr. Speaker, because the hon. Member has not substantiated it. However, Mr. Speaker, Sir, in Kakamega, how should I say, I did not mention the district commissioner when I made my reply.

Mr. Shikuku: Is the Member in order to call my statement gossip when I can substantiate? Is it not time I substantiated that it is not gossip and that there are traders who can take up this trade? Would he give me that chance to give him figures and facts now?

The Speaker (Mr. Slade): That is quite a good point of order. You can actually deny a Member's statement as untrue, but otherwise it is not a bad thing to ask you to substantiate. Do you deny it is untrue, you do?

Mr. Kibaki: Mr. Speaker, Sir, I said that the 11 notices were given in Kakamega Town not in Kakamega District. There were many more notices given in Kakamega District as a whole. Mr. Speaker, Sir, we still have to have these traders to

take up these 11 opportunities created in Kakamega, and if the facts were what the hon. Member for Butere would like us to believe they are, it is quite clear that these 11 traders should have been taken over by now.

Mr. Lawi: Arising from the answer, Mr. Speaker, as it is known that only 11 Asians were given notices and 50 were left, is the Minister satisfied that the Act we passed here is helping people in Kakamega?

Mr. Kibaki: Mr. Speaker, Sir, I am satisfied that this rate of change is what the people whom the Member is speaking for, are proving able to absorb. Mr. Speaker, Sir, we would be failing in our duty as the Government, and particularly in the administration of the law if we were to close up all these shops without enough people being available at once to take them over. Mr. Speaker, Sir, we have had experiments in other places where our own people, the farmer, the ordinary man in the street, has been afraid to complain where the services have been disrupted. Mr. Speaker, Sir, I think it is fair that the administration of the Act should be viewed without too much emotion.

Mr. Muruli: Mr. Speaker, Sir, is the Minister aware that even the names of the 11 Asians who have been given notices to quit have not been notified to the people and that the administrators in Kakamega Town are trying to hide all these names so that they may take over this business.

Mr. Shikuku: Yes! Yes! And some of them have already been taken.

Mr. Kibaki: Mr. Speaker, Sir, I would like with your permission to ask the hon. Member to substantiate this very vicious allegation, that the administration is not informing the people, but rather that the administration is itself hiding and trying to take over the businesses. Mr. Speaker, we have had too much of these kinds of allegations against the Civil Service, and with your permission I should ask the Member to substantiate.

The Speaker (Mr. Slade): Can you substantiate Mr. Muruli?

Mr. Muruli: Mr. Speaker, Sir, the Provincial Trade Officer has taken over a bar in Amalemba Estate.

Mr. Shikuku: What have they got to say?

The Speaker (Mr. Slade): Order! That does not appear to me to be substantiation of what you alleged, that the administration are deliberately concealing from the local people the opportunities they have for taking over businesses. Can you really substantiate that?

Mr. Muruli: Mr. Speaker, Sir, since the shops were taken over by the Government, the Trade Officer has not called any meeting of the Kakamega traders to tell them that such-and-such an Asian has been taken over, or that So-and-so has been taken over, and so come forward. The whole thing has been hidden and no one knows what has been taken over or what has happened, and since one of the trade officers has taken over one of the shops, people are suspicious that they did not want to sell them off.

The Speaker (Mr. Slade): All you have been able to tell us Mr. Muruli may amount to evidence that the administration is not being as efficient or active as it might be in the work, but to allege deliberate concealment, I do not find justified by your statement. I think you have to withdraw that. I think you have to withdraw any allegation of deliberate concealment.

Mr. Muruli: Mr. Speaker, Sir, I do not know whether I have not substantiated enough, but the fact is that the officers have not called the people on any day, nor at any time have they been told what trade has been taken over by the Government. Is it not a fact that they have hidden the whole thing and do not want to reveal it to the people?

The Speaker (Mr. Slade): I do not think you have substantiated this allegation of deliberate misconduct. So you had better withdraw it.

Mr. Muruli: I have to withdraw it, Mr. Speaker.

Mr. Munyi: On a point of order, Mr. Speaker, I am seeking your guidance. Since you had ruled some time ago that members of the Government, or members working with the Civil Service, civil servants are not allowed to participate in trade—and you had given a ruling to this effect—is it not correct—

The Speaker (Mr. Slade): Order! Mr. Munyi. I cannot recollect my giving any such ruling nor have I any right to do so.

Mr. Shikuku: On a point of order, Mr. Speaker, here is a case where a Member is being asked to substantiate. Suppose another Member, like me, who comes from the same district, is prepared to substantiate would I be allowed to do this, Sir?

The Speaker (Mr. Slade): Order! No. Hon. Members are responsible for the accuracy of what they allege in this House, and they must be prepared, themselves, to show that they themselves knew that what they were alleging was true. That is the meaning of substantiation, and it cannot be done for them by somebody else who may know more than the Member concerned.

Question No. 242

INVESTMENTS IN STANDARD BANK LTD.

Mr. Nyaberi asked the Minister for Commerce and Industry if he would tell the House—

(a) how much capital investment from South Africa the former Standard Bank of South Africa, now known as the Standard Bank, had in Kenya;

(b) how much now still remained with the same bank with the new name.

The Assistant Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, Sir, I beg to reply.

The Standard Bank Limited is a public company registered in the United Kingdom, and its branches in Kenya are controlled by the parent company in the United Kingdom. Therefore, Sir, it does not have any connexions, other than those I have just mentioned, with the Standard Bank of South Africa.

Mr. Nyaberi: Mr. Speaker, Sir, arising from that answer, is it not true that although this bank is registered in the United Kingdom, and the branches are controlled from there, that formerly South Africa had a much larger share of capital investment in the former Standard Bank of South Africa Limited which now has changed its name to the Standard Bank Limited? Is it not true that there is still South African money in this bank?

Mr. Kibaki: Mr. Speaker, Sir, I think that the hon. Member is misinformed by whoever gave him this history.

The Standard Bank Limited is a company incorporated in London, in the United Kingdom. It has branches all over the world. It has a branch in South Africa.

When the Member says that the Standard Bank in Kenya has South African money, he is wrong. The Standard Bank in Kenya is registered here and invests money in this country, either from the parent company in London or from the deposits which maybe the hon. Member and other people in this country put there.

That is what there is to it.

Question No. 149

ALLOCATION OF HOUSES IN KIBERA HOUSING SCHEME

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

(a) what the reason was for the refund of Nairobi residents' deposit of Sh. 500 paid on the self-help housing schemes at Kibera;

[Mr. Karungaru]

(b) if the Minister was satisfied with the present exercise of allocating the houses in the scheme in question.

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

(a) Before applications were invited for this housing scheme, it was agreed that only applicants within a certain income group would be considered to participate in the scheme. Those whose money was returned were the applicants who were not within the agreed income group. It should also be noted that there were 1,900 applications for the 200 houses advertised.

(b) The system of allocating houses in the scheme was thoroughly discussed by officials of my Ministry and of the corporation, and is the best that could be devised in handling such a large number of applicants. I am satisfied with this exercise.

Mr. Karungaru: Mr. Speaker, I want to ask one question before I ask the other.

Sir, is it not true that the Ministry was aware, before it received money in the form of deposits from the people who advanced this money, that they were not in a credit-worthy position and their money should not have been accepted by the Ministry? What made the Ministry receive the money and keep it for some time before returning it, if there was nothing fishy here?

Mr. Rurumban: Mr. Speaker, there was nothing wrong in the Ministry advertising the scheme. Anybody who was able to meet the required amount was eligible for it.

It is true, at the same time, Mr. Speaker, that due to a great shortage of houses in the country at present, whenever there is any advertisement for houses, well we get a much larger number of applicants than we require for the scheme.

Mr. Karungaru: Mr. Speaker, Sir, would the Assistant Minister specifically tell this House how long this money was lying with the Ministry before it was refunded?

Mr. Rurumban: Mr. Speaker, I wonder whether this is not a separate question.

The Speaker (Mr. Slade): Yes, I think it is a different question.

Mr. Karungaru: Mr. Speaker, what I am demanding to know from the Assistant Minister is to tell the House why the Ministry received the money, and how long this money was with the Ministry before it was refunded? Was this money refunded with interest?

Mr. Rurumban: Mr. Speaker, in order to make the hon. Member understand the position better I will give him this information.

The National Housing Corporation has several schemes which meet the needs of various income groups. For example, some schemes have houses selling for more than £5,000. Woodley Phase I is one of such schemes. There are also medium-cost houses, such as Moi Estate and Woodley Phase II which sell for between £2,200 and £4,000. There are also schemes such as Otiende/Kibera Tenant Purchase and Kibera Self-help Scheme, where houses cost between £600 and £1,500.

The present policy which the Government pursues, Sir, is to encourage people to buy the houses which they can afford. For example, if a person earns about £2,000 or more and he applies for a house in a self-help scheme, his application is unlikely to succeed. People who have such incomes will find that their applications for houses in these schemes will not be successful.

As far as this particular question is concerned, if the hon. Member has grievances, as he indicates, well, I would ask him to come to my office and I will investigate.

Mr. Karungaru: Mr. Speaker, Sir, on a point of order, now that the Assistant Minister has given such a clear indication of his Ministry's intention, is it not true that when a question comes to this House it is public property and we should not be told to come to the Minister's office when we have asked the question for it to be answered in this House?

The Speaker (Mr. Slade): I have told hon. Members so many times during the past six years that they cannot, as a matter of order, insist on any particular quality of answer to a question, or even any answer at all. They may be dissatisfied, but it does not give them a point of order.

Mr. Mwalwa: On a point of order, Mr. Speaker, I am trying to seek your guidance here. Many times we are told by the Ministers, when we ask questions, that if we have any grievances we should see them in their offices. Is that really in order? They refer us to their own offices for discussions.

The Speaker (Mr. Slade): I have told you that an answer, however unsatisfactory, is still in order. I know hon. Members do not like this kind of answer, and they register their dissatisfaction in various ways; but not as a point of order.

Next question.

NOTICE OF MOTION FOR THE ADJOURNMENT

MATTER OF REPLY TO QUESTION No. 149: ALLOCATION OF HOUSES IN KIBERA HOUSING SCHEME

Mr. Mury: On a point of order, Mr. Speaker, I have been listening very attentively. Therefore, if the hon. Member who tabled the question can allow me, I would like to raise it as a Motion on adjournment.

The Speaker (Mr. Slade): Mr. Karungaru.

Mr. Karungaru: I will give it my blessing.

Question No. 224

COST OF PROPOSED FREE PRIMARY EDUCATION

Mr. Godia asked the Minister for Education to tell the House if the Ministry had calculated what the cost of free primary education in Kenya would be and by what year the Kenya Government might reach the target.

The Minister for Education (Dr. Kiano): Mr. Speaker, Sir, I beg to reply. Free primary education is one of the very cherished aims of the country and, therefore, Mr. Speaker, with your permission, I will give a rather lengthy reply to the question in order to give the House the full picture of how much it would cost and why we cannot, at present, put it into effect.

It is estimated, Sir, that it would cost the Government £20 million each year for recurrent costs and £14 million for capital costs if free education were to be provided. The following details show how we arrive at these figures.

Recurrent Expenditure.—(a) On the present basis, there is an aggregate enrolment of 1,292,100 pupils in our primary schools. Since only about 68 per cent of the primary school age children are now enrolled in schools, it can be assumed that should there be free and compulsory primary education, there would be a total enrolment of about 1,800,000 pupils in schools, that is nearly two million children.

(b) On the basis of fee revenue of an average of £3 per pupil which is the present average, this will mean that a total of £5,400,000 will be collected as fee revenue. If there is to be free education, this sum will then be required as additional grant to the Ministry of Local Government and county councils to enable them to run the schools, in place of the fees which now they collect.

(c) On the basis of present ratio, which we try to utilize for development, which is approximately one teacher for 32 pupils, it is considered

that on student population of 1,800,000, at total of 56,250 teaching staff will be required. The salary cost of these teachers roughly has been estimated to be £13,350,000.

The total recurrent cost on the basis of the foregoing will be:—

| | £ |
|---------------------------|-------------|
| Loss of fee revenue .. | 5,400,000 |
| Teachers' salaries .. | 13,000,000 |
| School equipment .. | 1,350,000 |
| Miscellaneous expenses .. | 250,000 |
| Total .. | £20,000,000 |

Capital Costs.—On the increase of pupil enrolment to 1,800,000, it is reckoned that another 2,000 classes each year will be required. If each school of seven classes with ancillary facilities can cost about £5,000, then the additional capital cost will be about £14 million.

Therefore, Sir, we have calculated the costs and we find that the recurrent cost is £20 million and the capital cost £14 million.

I should then add that in terms of the teachers, even in the present situation, we are using about one-third of our teaching staff at the primary school level, those persons who are untrained teachers. So we are even short of teachers at this present stage.

That is the situation, Mr. Speaker, Sir.

Mr. Godia: Arising out of that satisfactory reply of the Minister, will he consider incorporating within the next Development Plan provision for free primary education up to Standard VII?

Dr. Kiano: Mr. Speaker, Sir, I would hate to give false promises. It would mean such heavy taxation to raise £20 million just like that and that is why it is a matter on which I would not like to promise anything. It is a matter for the Government to keep on considering and not for one Minister to decide on as an empty promise.

Mr. Gikunju: This being the estimates of the expenses required for free education in primary schools, what steps is the Government taking to see that these calculations, these figures can be reached in order that we can provide free primary education?

Dr. Kiano: Mr. Speaker, Sir, I should explain one thing in relation to what the hon. Member has said. This House, I think, has said several times that first things come first. I think the biggest problem we have today is not so much about primary education but secondary places for those who finish primary education. Most of

[Dr. Kiano]

the amount of money given to my Ministry goes for the expansion of secondary schools because that is where the crisis is actually at present.

The Speaker (Mr. Slade): Next question. Mr. Godia.

Question No. 223

EX-M.P.S SEEKING RE-ELECTION

Mr. Godia: Mr. Speaker, Sir, since the wording of this question is very different from my original question, may I please be allowed to withdraw the question?

The Speaker (Mr. Slade): I did not hear you. Did you say you wanted to raise your own question on the adjournment?

Mr. Godia: No, Sir, I said the question here was differently worded and, therefore, the meaning would also, probably, be different. In view of that, I would like your leave to withdraw the question.

The Speaker (Mr. Slade): Yes.

(Question No. 223 was withdrawn)

NOTICE OF MOTION FOR THE
ADJOURNMENT

MATTER OF REPLY TO QUESTION No. 224:
COST OF PROPOSED FREE PRIMARY EDUCATION

Mr. Ngala-Abok: On a point of order, Sir, in view of the fact that our people would like to see that there is free education at the Standard I and Standard II level, I would like to raise this on an adjournment in order to let the Minister know the position.

The Speaker (Mr. Slade): You can give me notice of your desire to raise it on adjournment, yes.

PERSONAL STATEMENT

DENIAL OF ALLEGATIONS OF AFFILIATION ORDER

Mr. Asiba: Mr. Speaker, Sir, yesterday, during the debate on the Affiliation Act, in my absence, hon. Munyasia took advantage of my absence and made wild and serious allegations against my person.

He alleged that I and other Members of Parliament as well as Ministers of the Government have shown interest in this Bill—supported it—because we have been affiliated.

He further alleged that I was in the court at Makadara, in his presence, and that an Affiliation Order was issued against me.

The Speaker (Mr. Slade): Order! Order! I am very surprised hon. Members are finding this an occasion for laughter. I do not believe, when an

allegation of this kind has been made against them, whether true or untrue, they think it very funny. Let us treat this matter with respect, please.

Mr. Asiba: I was saying that he further alleged that I and other Members of Parliament, as well as Ministers of this Government, were supporting this Bill—this outgoing Act—because we have been affiliated.

Then he said that I was at Makadara Court and an Affiliation Order was made against me, and that I was still paying under this order.

He then went on to allege that he knew of children in my name in Dr. Barnardo's Home, Starehe Boys' Home and such other places, Edelvale, and so on. He said I was paying for these children who had my name.

Mr. Speaker, this is a very serious allegation, in fact, Sir, all of them are, because, to the best of my knowledge, I have never been in any court of law to defend myself or to sue somebody else for that matter, for somebody having interfered with a lady I was connected with.

I am also not paying any money to anybody, nor am I paying money for maintenance for anybody in any of the homes.

I say this is serious because it could lead to serious disruption of a family.

Now what I am asking, Mr. Speaker, Sir, is for the Member to substantiate by giving the name of the lady involved or ladies for that matter. He should also give the name of the child or children who were born as a result of that. He should quote the case number and the date on which it was held, plus the name of the magistrate who actually attended the case. He should clarify this for the House to know whether I have actually committed this.

The Speaker (Mr. Slade): Order! I am not going to invite Mr. Munyasia to give all those further particulars in this House. I am first of all going to ask him whether, in view of Mr. Asiba's statement, he acknowledges that what he said yesterday was untrue, that is to say that he was present in court when an Affiliation Order was made against Mr. Asiba.

Mr. Munyasia: Now, Mr. Speaker, Sir, when you ask for trouble, you have it. Is it not true, according to the statement made by the hon. Asiba, that he—

The Speaker (Mr. Slade): I am not asking you to ask questions, I am asking you to say whether you still persist in your allegation that you were present in court when Mr. Asiba was made the subject of an Affiliation Order at Makadara.

Mr. Munyasia: Now, Mr. Speaker, Sir, when I was there the case was withdrawn and I was going to go further and give the name of the lady and also the father of the lady and so on.

The Speaker (Mr. Slade): Only one thing I want to have absolutely clear: Do you still persist in what you said yesterday, that you were present in court when an order was made against Mr. Asiba or do you not?

Mr. Munyasia: I withdraw that part of being present, Sir.

The Speaker (Mr. Slade): Order! Hon. Members, we have had enough and too much of these disgraceful allegations completely unfounded. I have to name Mr. Munyasia for gross misconduct.

Order. Will a Minister please move that Mr. Munyasia be suspended from the service of the House.

Mr. Ochwada: On a point of order, Mr. Mr. Speaker, Sir—

The Speaker (Mr. Slade): Mr. Ochwada, no point of order at this moment, I am too busy with a point of order. Will you move please, Mr. Kibaki.

MOTION

SUSPENSION OF HON. MEMBER FROM THE SERVICE OF THE HOUSE

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, Sir, according to the procedure of this House, I beg to move that the hon. Mr. Munyasia be suspended from the service of this House.

The Minister of State, President's Office (Mr. Koinange) seconded.

(Question proposed)

The Speaker (Mr. Slade): I will put the question which is that Mr. Munyasia be suspended from the service of this House.

(Question put and agreed to)

The Speaker (Mr. Slade): Order! Mr. Munyasia, you are suspended from the service of this House for three days, that is three sitting days including today. You may not, therefore, return to the precincts of the Assembly until next Wednesday, 18th of June 1969.

Order. Please go now Mr. Munyasia.

(The hon. Mr. P. N. Munyasia withdrew from the Chamber)

NOTICE OF MOTION FOR THE ADJOURNMENT UNDER STANDING ORDER 20.

SOUTH NYANZA TEACHERS' SIT-DOWN STRIKE

Mr. Ngala-Abok: On a point of order, Mr. Speaker, Sir, under Standing Order 20, with your permission, Sir, I would like to raise a matter of national importance regarding the go-slow or sit-down strike of teachers in South Nyanza which started eight days ago, and the children, all over the whole district are not getting any education. First of all, Mr. Speaker, Sir, the Assistant Minister for Local Government revealed that, although they have sent £14,000 to the County Council of South Nyanza, this is not going to be enough to pay the teachers. Applications were made for more money to be granted to Local Government to pay the teachers but because these applications were not attended to, there is no money available for these teachers for the next unknown number of days. Mr. Mr. Speaker, Sir, the Secretary of the National Union of Teachers has also—

The Speaker (Mr. Slade): I know you are seeking to raise this matter under Standing Order 20, but that does not enable you to raise it now. You want to raise it under Standing Order 20?

Mr. Ngala-Abok: Yes, Sir. Thank you.

The Speaker (Mr. Slade): Hon. Members, as you are aware, we can only allow this procedure of adjournment of the House under Standing Order 20 on matters of extreme urgency. There is no doubt about the definite nature of the matter here although I have got a little doubt about the degree of urgency, but, if as Mr. Ngala-Abok assures me, a large number of teachers are already engaged in a semi-strike in this district, then I think it is of sufficient urgency to justify this procedure. If, therefore, 15 or more Members think it to be of sufficient national importance to justify it, I will allow him to move the adjournment.

(A number of hon. Members stood in their places)

The Speaker (Mr. Slade): Order! Yes, Mr. Ngala-Abok, you may move the adjournment of the House at about 6 p.m. today.

Order! Order. Mr. Kibaki.

MINISTERIAL STATEMENT

SUBSTANTIATION OF ALLEGATION: MINORS BEING SHAREHOLDERS

The Minister for Commerce and Industry (Mr. Kibaki): Mr. Speaker, Sir, I rise on a point of order to substantiate a remark I made yesterday

[The Minister for Commerce and Industry] which was then challenged by the Member for Mombasa South, Mr. Omar, regarding the fact that some companies had alleged that a child born only four years ago was a majority shareholder in a company and he said that I should substantiate. I would like to give the facts now.

Mr. Speaker, Sir, the company in question is situated in Machakos on Syokimau Avenue and it is called Amratlal Vasanji. In their appeal—because Mr. Speaker, Sir, the matter arose in connexion with appeals—the ground for appeal is that the majority shareholding is held by a Kenya citizen and therefore the licence should not be refused. I am not going to repeat what I said that these things were changed fairly recently; but the names of shareholders as given on this appeal form are as follows: (i) Amratlal Vasanji who is a British citizen, (ii) Kantagauri Amratlal Vasanji who is a British citizen and (iii) Lata Aratlal Vasanji who is a Kenya citizen according to the statement here.

The trade officers had then to get further facts regarding the shareholding of these partners and it was stated in this written document from the company that the two first-named persons held 20 per cent of the shares each and that Lata Vasanji held 60 per cent of the shares. He, therefore, Mr. Speaker, Sir, wanted further evidence on why Lata Vasanji was said to be a citizen. It was said that she is an automatic citizen because she was born in Kenya and it became necessary to seek evidence to show that she was born in Kenya. We were, therefore, supplied with a birth certificate of which we have a photostat copy here. This is Certificate No. 259973 and in it is shown that this child was born in Machakos, Eastern Province, on the 9th day of November 1965.

Hon. Members: How is that? You said 1964.

The Minister for Commerce and Industry (Mr. Kibaki): Now, Mr. Speaker—1965—in fact I erred a little because I had said it was 1964.

Mr. Speaker, Sir, I do not, by introducing this, want to imply in any way that this is a common practice of all traders. I only want to confirm that we have had cases which have increased our suspicions regarding the nature and constitution of the shareholding in these partnerships which are claimed to be citizens. That is all that I was saying. I am not making general allegation against traders as such, but we have these problems and that is why we have been so critical, because we wanted to be thorough in the investigations regarding the appeals. Mr. Speaker, Sir—

Mr. Speaker, Sir, in view of the fact that we would not like to lay on the Table the whole of this file, and I have not had time to take photostat copies, could I give it to the Clerk who could photostat the relevant parts and give me back the rest of the file?

Hon. Members: Why?

The Speaker (Mr. Slade): Order! You have actually laid on the Table this Birth Certificate?

The Minister for Commerce and Industry (Mr. Kibaki): Yes, Sir.

The Speaker (Mr. Slade): That is the only paper you have actually laid on the Table?

The Minister for Commerce and Industry (Mr. Kibaki): That is right.

(The hon. Minister laid the paper on the Table)

BILLS

Second Reading

THE AFFILIATION (REPEAL) BILL

(The Attorney-General on 10th June 1969)

(Resumption of Debate interrupted on 11th June 1969)

Mr. Gatuguta: Mr. Speaker, Sir, I am glad that you have allowed me to speak on this Bill which has raised a lot of interest in the country.

You know this, Mr. Speaker, Sir, that during these last two days when this Bill has been debated, the galleries have been full because of the interest people have taken in this Bill. The interest, of course, is that there are some people who support the Bill for their own reason, and others feel that this Bill should not be repealed.

I rise, Sir, in full support of the repeal of this Bill.

An hon. Member: You are a good lawyer.

Mr. Gatuguta: However good this law may be in another country, I think it is not good for an African society. The intention of the Bill at the beginning, Mr. Speaker, Sir, was to deter the male sex from interfering with the female sex which resulted in pregnancies and the birth of children. Now that has failed through experience. The legislature in those days must have had very good intentions about this; but experience now shows that it has failed; that you cannot solve this very crucial social problem by legislation of this nature. We must continue to live the way we used to live in the olden days, where the African society used to control their children, males and females alike, in such a manner that there was no immorality as it has come about today.

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Now, Mr. Speaker, Sir, legislation cannot solve this social problem. What is required, Sir, is character, and also morality. This can only come about if the parents of these children look after their children when they are born. After educating them, say, they must also look after them in the city where they go to look for employment and so forth. It is not a question of legislation. This law has been abused more than any other law in this country. The women have blackmailed men everywhere because of this legislation, particularly in the city. We cannot allow women to commercialize our society by legislation of this nature. I know that certain women feel very strongly about it because they think that this law protects women but, in fact, it does not protect women. What it does is merely to encourage them to go after men in order to get more money. I would appeal to these women who are opposed to the repeal of the Affiliation Act to understand that it has spoilt more women; it has done more harm to women than good. What we should think about, Sir, is the question of the children who are born.

We know that women should always expect to get married and that in this respect, they are protected by the Law of Contract already. According to the Law of Contract, if there is an understanding between a man and a female that they are going to get married, and finally the man deserts her, there is a breach of contract, and according to the existing law, the female can always get a remedy. Therefore, women should not feel that before the Affiliation Act was passed they had no protection; they have always been protected.

I think what we must consider, Mr. Speaker, Sir, is the point that has been raised by other speakers here of cases where an accident takes place and a child is born. What is to be done about it? Sir, we all feel, and I think very many people will support this one, that the Government must devise a method where such children will be protected by the Government, by our society, but it should not be a question of saying that a woman has a right to go to a court of law and get judgment in her favour to get so much money and so forth. That is not good. What I think we must think about is how to protect the children. When a child is born in a society, any society whatever, it has a right to be protected by the Government, by the State, and to grow to manhood like anybody else. Therefore, the State has a grave responsibility to look after those children.

Now, the Minister for Social Services did mention that something is being done or something is going to be done in this matter. I would like to emphasize that this is very important. This can be done in various ways: we have community development officers all over the country, social workers all over the country and these are the people who should build some institutions in those areas where the children who have been born in this manner can be looked after by the State, not by their mothers. The State then—the Government if you like, if you do not understand what I mean by the State—should be able to look after those children and actually, physically feed them instead of giving money to the mother of the child because some of this money has been misappropriated. They should physically feed those children; either the mother is given food to go and give to the children, or the children are put in institutions in various districts where they are centred. If we do that then, the children will be looked after properly; they will be educated by the State, and the women will be left alone because the more they suffer, the more they will think of getting married. These days, some women get money from men, some get from five to ten men, they do not think of marrying, they think of being independent all the time. I think the time has come for this legislation to be repealed. I know and I have heard of some cases where women have been getting money from four to five people at the same time because of blackmail. If we go on like this, Sir, we shall merely continue to make men slaves of the women; we do not want to make anybody a slave of anybody in this country. We want everybody to lead a free life. When this inducement is removed from the female sex, they will learn to lead an independent life, without depending on men; they will try to work hard to earn their own living by their own ability, and they will learn to look for men to whom they can get married and lead a family life.

This legislation has made a lot of women in the city look like—I do not know what—anyway the point is, they live a very comfortable life here in the city; they have no families; they have no worries about their children because their children are being educated by men; they do not think of working or looking for jobs; they do not pay taxes; all these things, Sir. Now, is this a method of creating a stable society? It is not. We would like to see our women living in the city in the way they live in the reserve. They lead decent lives there and a girl only goes out when she is looking for a man to marry. No doubt, they exist here also, but the normal thing in the reserve, in

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the countryside, is that girls are decent; they only go out to look for men for marriage reasons. Here in the cities it is not to look for a man to get married, it is for something else, it is for the purpose of seeking men and so on. I would like to say that, personally, I have never been affected by this Affiliation Act and so nobody can say that I have any interest at all. I am only interested in, "the welfare of society and the just government of men".

The Speaker (Mr. Slade): That does include women you know.

Mr. Gatuguta: Yes, it does.

Mr. Shikuku: In view of your remarks, Mr. Speaker, that this is for "the welfare of society and the just government of men", and you said that it includes women, is it not time that we made an amendment to the writing on the wall so that it includes women?

The Speaker (Mr. Slade): Order! No, I think that all hon. Members understand that the word "men" is used in the generic sense, it means mankind which includes the weaker sex.

Mr. Gatuguta: Mr. Speaker, Sir, having said these things, I would urge the Government very, very strongly, particularly the Ministries concerned, to introduce legislation in this House as soon as possible to protect the children. I think this House will agree with me that the welfare of the children is the most important thing, but the method which is being used now under the Affiliation laws is wrong because it does not protect the children at all. A Bill to protect the children should be brought to this House immediately, before the end of this session, so that we can also debate it and eliminate the fears which are there among a certain section of our community—that the children will be left unprotected. Now, the question may be asked as to where is the Government going to get the money to look after these children. I would not mind myself if the Act which it is proposed to be introduced into this House legislates that if it is established beyond any doubt that a man has been responsible for the birth of a child, he should pay a certain amount of money to the Government for the welfare of this child. That is necessary because if a man commits this sort of thing then, of course, he should be held responsible for it.

Again, Sir, it is also important to know that this kind of offence is never committed by only one side of the party; it is a two-party activity and, therefore, if the question of the welfare of the children comes in, the two parties concerned

must be made to pay for the expense of maintaining the children.

Therefore, Sir, with those few remarks, I wish to support the Bill as it is.

Mr. Tsalawa: Mr. Speaker, Sir, although this Affiliation Act has been brought to this House at the wrong time, when the National Assembly is to be dissolved between now and 1970—

An hon. Member: Who said that?

An hon. Member: Can you substantiate that?

Mr. Tsalwa: I think the hon. Members should be patient and hear what I am going to say. We have been assured through the Head of State's statement made in this House, and also in the Press, and also in our Parliamentary Group meetings, about the dissolution of the National Assembly of Kenya.

Mr. Speaker, I should like to be protected from these people here.

Mr. Shikuku: On a point of order, Mr. Speaker, is it in order for the hon. Member who has been in this House for a long time to refer to these hon. Members as "these people here"?

The Speaker (Mr. Slade): It is not in order, but he had some excuse I think.

Mr. Tsalwa: He is a man of four wives and so he should keep quiet.

Mr. Speaker, I said that this was a controversial Bill to be brought to this House at this time, because it is going to frustrate, if it is going to be passed, all the women, particularly those who took part in fighting against the colonial régime who went as far as trying to get armaments from those people, particularly those whites who were in this country, you know, by selling their sacred bodies.

Mr. Speaker, while saying that this is a controversial Bill to be brought here, I strongly support it. While supporting it, I would like to say that there are seven provinces in this country and possibly there are two provinces from which these women come to live in Nairobi, Mombasa, Kisumu and other towns in the country. You know very well that men are attracted to go to them and they ask for money and that is why these children have been born.

Mr. Speaker, while I support the Bill, I would like to make some points which I have in mind. If this Affiliation Act is going to be abolished, and I think three-quarters of the House are in favour of its being abolished, the Government of the country should bear the following in mind. They should see that no more abortions are going to be done by those unlucky women and girls who are going to conceive from men who live in

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the towns. In fact, before this Act was enacted, very many, many women conceived and they aborted many children. This is completely against the African way of life. A child should be born and be brought up to live and serve the country.

Mr. Speaker, the second point I would like, while abolishing this Act, is that many children are going to be thrown into latrines, lavatories, bushes and drains and along the streets, as they used to be. I would like the Government to consider this so that these children are not destroyed. I know it is a very serious offence to throw away a child or kill it and do such things, because most of the women—particularly those girls from school—do not like it to be known that they have children and so they usually tend to destroy them so that they look good so that they are followed by men.

Also, Mr. Speaker, we would not like the country to have children who have no guardians. We will be asking for trouble if the Government does not think of another way in which this Act can be replaced, as some of the hon. Members have expressed themselves in this House.

Mr. Speaker, this Act was enacted during the colonial régime and the reason was to safeguard the European women in this country. Now that we have our own Government, and a greater number of our girls and women are in these towns which I have already mentioned a few minutes ago, I do not think—

Mr. ole Kipury: On a point of order, Mr. Speaker, the hon. Member speaking has alleged that this Act was enacted during the colonial days to safeguard the European women, how far is that true and could he substantiate?

The Speaker (Mr. Slade): No, I think we must regard that as an expression of opinion.

Mr. Tsalwa: I say this because I was one of the commissioners on the committee on the law of marriage and divorce which took place throughout the country, and even in his district, and this was expressed, particularly by the chairman of that commission. This is why this Act was made.

Mr. Speaker, Sir, I should like to bring it to the notice of the House that it would be much better if some homes were established on a provincial or district level so that any expectant, unmarried woman could be kept in these places, and as soon as she has given birth to her child then immediately the Government should take over the looking after of the child until it grows into a big man.

An hon. Member: Where is the money for that?

Mr. Tsalwa: Mr. Speaker, it is not a waste at all because if you go on breeding children who have no fathers and mothers, for that matter, you are asking for more trouble. The Government should make a law that women that expect to give birth to children by mistake, should go into some homes so that the Government could spend a certain amount of money in order to save the lives of the children.

Mr. Speaker, I know very well that last year we passed a vital Bill in this House, but this one has not been very effective at all over the country because we still have these women floating here and there, and these are the women who go on dropping children here and there in the big towns.

I think the Attorney-General should think always of seeing that these women are stamped out completely from our big towns.

Mr. G. G. Kariuki: How, how?

Mr. Tsalwa: Well, someone is asking me, Mr. Speaker, how. It is some of these people—I do not know who they are—who go out asking for these women. You remember that Dr. Hastings Banda at one time warned his Government officials, and Members of Parliament, not to use their big positions and cars for exploiting girls and women in his country. It is men who first go to these women.

Mr. Shikuku: How about yourself?

Mr. Tsalwa: No, someone asks about myself. I am completely written off.

Mr. Speaker, Sir, I beg to support the Bill.

Mr. Jahazi: Mr. Speaker, Sir, I would also like to say a few words in support of this very important Bill.

Mr. Speaker, Sir, this Bill is very, very important because it touches on a social problem which this Government had to face within the present outlook. We inherited this Bill from the former Government and we did not know the intentions, and the reasons behind this legislation were not clear to us, after seeing the implementation of this Bill in various courts in the country, especially in Makadara. Makadara today is famous—not for the place itself—but for the type of cases which come under this legislation. Mr. Speaker, I find it has served its purpose, because although we are told the intention was to support the children who are born by mistake, Mr. Speaker, the people it was intended to benefit are not benefiting from this Bill.

I do not want to say anything about the Bill being abused by the various women who are the recipients of the contributions the men are doling out in support of the children. I have a lot of

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sympathy with the women's organizations for the concern they appear to feel, but the ladies who are leading most of the women's organizations, although their intentions are correct that the children must be protected, I will agree with them but they have not gone very far to see that each child who is supposed to receive this money which the men are paying, are actually receiving the money. They have circulated a paper here, but this paper is empty. There is nothing in it to show there are so many children in Nairobi who are receiving these amounts, so much money is going to these children and where the children are. There is nothing in the paper apart from an appeal that we should not abolish the Bill but should delay it.

Mr. Speaker, Sir, we know very well that this kind of appeal does not help at all. Therefore, it is not that we do not realize the children must be protected, but the women's organizations have failed totally to convince us they are protecting the children who are today supposed to receive this money. We know some of the women are our sisters, and some of the men who are paying this monthly instalments to support their children know very well the money is not going there. The money which is paid goes into buying wigs, or Ambi and all this funny stuff and the children are not receiving anything. Therefore, Mr. Speaker, if this Bill was designed to protect children, it is not serving its purpose. We must have a new look altogether as to how these children can be protected.

There is no other way of doing so except to kill this ineffective Bill. If the ladies who are behind the women's organizations have any suggestions, then this is the right time to come forward with them as to how we can protect these children in a new Bill. We should not hang on to this Bill which benefits their own sex more by exploiting the men and the children. We, as people who are legislating, cannot allow this to continue.

Mr. Speaker, Sir, I have a few suggestions to make to the Attorney-General. We know the children who are the subject of this discussion, are the children who are not wanted. When two people meet and do whatever they do which results in the birth of a child, neither the man nor the woman was prepared to go into this act to have children. They just go for pleasure and this results in children. Therefore, Mr. Speaker, from the day the child is born, it is unwanted. This poor child is unfortunate because he comes into a world where he is not wanted. This is the principle and is where any Bill must be realistic. Mr. Speaker, Sir, we know the Government now

is spending a lot of money in giving out free birth control pills; there are birth control clinics, there are birth control whatever they are, and, Mr. Speaker, there are new methods coming out every day through the doctors on effective ways of stopping unwanted children, either in the homes where you are told to space your children or if you do not want to have them at all, there are ways by which you can stop that.

Mr. Speaker, Sir, I encourage this. Anyone who does not want children should not be forced to have them if he can afford to maintain them. Having money does not necessarily mean you like children. There are people who have a lot of money but who prefer to have dogs or cats instead of children. Therefore, Mr. Speaker, if these children are not wanted, then I feel they should not be born at all. One suggestion I would make to the Attorney-General is that when two parties have made a mistake, and one turns on the other saying there is an Affiliation Bill and the man will be forced to pay to maintain the child who even the mother does not want, instead of that, I would like the Attorney-General to come out with a law which would legalize abortion. If birth control pills have failed and the mistake has become bigger, and the mother has conceived then the law should be there so that if she does not want the child it need not be brought into the world where it is not wanted. Therefore, abortion must be legalized.

I do not see how the Members can say birth control is all right because it prevents the formation of a baby, but cannot agree on abortion because the two things are the same. Once we agree on birth control, then we have already agreed on the principle of preventing babies from coming to this world and, therefore, it is a question of method. Mr. Speaker, I do not want to say much because this is a biological fact. We cannot say just because the Affiliation Act has been abolished there will be no more pregnancies. These are continuing; even now as we talk, things are happening somewhere. The abolition of this Act is not the medicine. If we do not want babies to be brought into this world where nobody wants them, not even the Government because they have no money to say everybody can go, it is free for all the babies should be brought to the Government who will maintain them. No Government would give such approval.

Mr. Speaker, this is very serious and I do not see why if we agree the babies should not be protected, they should be brought into the world. I agree this particular legislation is wrong, but if the intention we have is not to bring unwanted babies into the world then we must help them not to come here. Mr. Speaker, even if we say

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the Government should establish homes, I would like to know of any Member here who is proud to be in this world without knowing he has a father and without being proud of his father. Even if you place them in golden castles, even if the Government houses them in the best places, if these gentlemen do not have a father to be proud of, or they cannot point a finger and say So-and-so is the father, Mr. Speaker, then I do not think they are fit human beings. We should not bring these babies into the world and call them institution babies. Every father and mother must be proud of the child, and I do not see any reason why even Members should suggest mothers should have babies and then the Government should take them over. Mr. Speaker, up to now it is only a question of economics. I cannot see any African who is really the father of the baby rejecting the boy, or ignoring the boy if he has the means to maintain him or allow him to be put in Barnardo's Home. I have not met any man of that calibre. Anyone who has a child is proud of it; they may ignore it for two or three months, but after some time he will one day go and claim his child. This is why adoption in Kenya, or East Africa, is not working. No

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

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

mother will allow her child to go and be adopted and be told never to go to the place, and never claim the baby; they have to sign a paper to say the baby is no longer theirs. One day she will go there and create a lot of trouble saying the child belongs to her. No stroke of a pen can make that child not to belong to her.

Mr. Deputy Speaker, what we are trying to say about all these homes, Dr. Barnardo's or Jahazi's or what, none of these will solve the problem. The laws should be made in such a way that only those who want children, who are ready to maintain them, should bring children into this world. Those who do not want children should not be forced to have them. The law should be made flexible. Science has helped and there are now so many ways with which to avoid babies. We have already on the principle of avoiding unwanted babies; in our homes, wives are taking birth control pills and the Government is spending a lot of money to prevent babies from being born. Doctors are devising methods everywhere so that babies will not be brought into the world, so we should be bolder. We are bold but we should be bolder and introduce an abortion law which will help our daughters. I am not speaking as a man who has no experience, as I am the father of daughters. Without this law—

Mr. Karungaru: On a point of order, Mr. Deputy Speaker, what can we do when a Member keeps on repeating? Do we allow him to repeat or do we order him to sit down and let other Members speak?

The Deputy Speaker (Dr. De Souza): You do not do anything because the Speaker will look after him.

Mr. Jahazi: Mr. Deputy Speaker, if the Member has some points and if he has not spoken, he is lucky because as he says I am repeating, then I am leaving more points for him to speak on. He should give me my rights and let me enjoy them on this floor.

Mr. Deputy Speaker, mine is a bold suggestion which must be met if we are to solve the problem of unwanted babies. I am not talking about something on the moon, or about something which is not practised elsewhere. The law of abortion is very progressive and many countries are adopting this law and it is working wonderfully well. Unless we intensify our birth control machinery, and unless we intensify the education of preventing our daughters from becoming pregnant, Mr. Deputy Speaker, we will be faced with this problem every now and then.

Let the Members try my way and then there will be no Barnardo's Home, or any other type of home, and our daughters and sons will enjoy themselves without a single case going to court, and we will not need any kind of legislation because there will be no more unwanted babies coming into this world.

Mr. Deputy Speaker, I beg to support.

Mr. Mbogoh: Thank you, Mr. Deputy Speaker.

To start with I would very much like to congratulate the mover of this Bill because he showed in himself he has some sense of duty, although he can divorce that from his sense of humour.

Mr. Deputy Speaker, it is true the money which is awarded by the courts to mothers who are pregnant by some people has been misused. But, Mr. Deputy Speaker, this is not the most important reason why this Bill should be repealed. It is true this money is doing a wonderful job in this country, and if our Government went, first of all, through the files and checked the cases where men have been affiliated and then followed up the matter of those children they would have found there are some children who are receiving a wonderful education through the money, and now they are going to be deprived of it. They would have found some of the children are living better lives than even the children of some of our Ministers or Members of our Parliament here.

[Mr. Mbogoh]

Mr. Deputy Speaker, I am not against the repeal of the Bill, but this should have been taken into consideration, and instead of bringing it here in a hurry, there should have been instituted a commission of inquiry into the use of this money. In fact, Mr. Deputy Speaker, when this Bill was introduced here, many people in the country wondered whether there were many people in top posts—whether permanent secretaries, or Ministers or even Members of Parliament—who were involved and who wanted it to go through quickly so they could get rid of this business quickly.

Mr. Deputy Speaker, this suspicion is in the minds of the people and it is now for our Government to clear it from the minds of our people as to whether they were bringing the Bill here in a hurry so as to get the money back. Mr. Deputy Speaker, Sir, I am very worried about this Bill because to start with the mover never offered anything in place of the Bill. He only stood up and read the repeal of the Bill but offered nothing in its place. We now have a vacuum. Only one or two Ministers came to woo the Members here by telling them there would be another Bill prepared. What I know here, is when a Bill is to be repealed, there is always another Bill which comes and then it is tabled and at the bottom they write a Memorandum and say the contents of such and such Bill are herewith withdrawn. Mr. Deputy Speaker, I do not know if in 1969 the change is so drastic that a Bill comes and is withdrawn and nothing takes its place. I am not against the repeal of this Act, but we must have something else. We must have something, something to take the place of this one.

Mr. Mwithaga: It is coming next week.

Mr. Mbogoh: Mr. Deputy Speaker, while I am on this point, I feel, and I feel very seriously, that the repeal of this Act is because of the selfishness of man. This selfishness must be ended immediately. This Act has been protecting women against ruthless men—

An hon. Member: Why?

Mr. Mbogoh: —but now somebody has decided to leave those women undefended.

An hon. Member: Declare your interest.

Mr. Mbogoh: I do not care about the rats squeaking in the roof. Mr. Deputy Speaker, I shall continue to speak.

Mr. Deputy Speaker, I am here now to—

Mr. Mwithaga: On a point of order, Mr. Deputy Speaker, is the hon. Member really in order—while he speaks so emotionally—to refer

to interjections as “from rats squeaking in the roof” which implies that he refers to hon. Members of Parliament?

The Deputy Speaker (Dr. De Souza): He was not implying that really.

An hon. Member: Rats squeaking.

The Deputy Speaker (Dr. De Souza): I heard it, but I do not think he was implying any hon. Member.

Mr. Mbogoh: Mr. Deputy Speaker, if the hon. Member feels that that description fits him, I give it to him.

Mr. Mwithaga: On a point of order, Mr. Deputy Speaker, now do we understand that he actually meant what I asked, by his inference?

The Deputy Speaker (Dr. De Souza): I think up to the time he had gone at first, he did not draw an inference, he left it rather vague, but now I think he has gone much further. I think you will withdraw that, Mr. Mbogoh.

Mr. Mbogoh: Mr. Deputy Speaker, I never referred to anybody as a rat.

The Deputy Speaker (Dr. De Souza): You will withdraw what you said.

Mr. Mbogoh: I only told the hon. Member that—

The Deputy Speaker (Dr. De Souza): Order! Withdraw what you said.

Mr. Mbogoh: Does he fit it?

The Deputy Speaker (Dr. De Souza): Order! Mr. Mbogoh. We do not want to go into circles around that. You did say that if it fits him, that was all right. This is, in fact, more or less imputing to say that it applies to him. Please withdraw that and go ahead.

Mr. Mbogoh: Mr. Deputy Speaker, I have no intention of calling the hon. Member a rat. So I do not need it.

Hon. Members: Withdraw.

Mr. Mbogoh: It has been withdrawn very easily.

Mr. Deputy Speaker, Sir, this being what I call a selfish attitude of man—

Hon. Members: He is afraid to withdraw.

Mr. Mbogoh: I was saying that is the selfish attitude of man which makes him to try to dispose of his responsibilities although he is in the position to legislate for other people.

Mr. Deputy Speaker, we in this Parliament are in a position to legislate in favour of ourselves and in favour of other people and against ourselves as well as against other people. This

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is one of the most discriminatory pieces of legislation that we have ever made against other people while we favour ourselves as men. That is why, I think, that every now and again women claim that there is no woman in this Parliament and that is why some of these things go unchallenged like this. I agree with them.

Mr. Deputy Speaker, no woman would sit in this Parliament to repeal an Act like this, and that is why, Mr. Deputy Speaker, I feel that it is a selfish attitude in man that makes us want to repeal this Act. We should not have repealed this Act to make sure that we are free to do what we want for ourselves.

An hon. Member: Do you represent your wife?

Mr. Mbogoh: Mr. Deputy Speaker, Sir, the other day—in fact, it is not long ago, it was only two or three days ago—somebody was trying to bring legislation here to lower the maturity age of girls, from 16 to 14. Mr. Deputy Speaker, Sir, this is also another way of exposing these young girls to these wolves. Mr. Deputy Speaker, it is true that a man is a strong bull, like many of them I know around. He will get a 14-year-old girl into trouble without her consent.

Mr. Mwithaga: That is raping.

Mr. Mbogoh: Mr. Deputy Speaker, although it could be raping, I know a bull like the one shouting—

Mr. Deputy Speaker, I do not want to continue.

Mr. Lubembe: On a point of order, Mr. Deputy Speaker, Sir, is the hon. Member in order to call hon. Members “bulls” when he knows that “bulls” are in the other corner?

The Deputy Speaker (Dr. De Souza): No. I do not think he is in order. I do not think he was being derogatory; in fact, I think he was referring to their power as men, but I think that is not correct. I certainly do not think you should say this, Mr. Mbogoh. I have said so often that we should try and avoid, as far as possible, being personal in our interjections or in our speeches. It is better not to refer to an individual person. Generalize and speak on a general platform rather than if somebody interjects, then you feel the next best thing you can do is to accuse him or say something nasty about him. It is better to treat it with a certain sense of humour and perhaps contempt, if necessary, but do not resort to this. Please, withdraw this.

Mr. Mbogoh: Mr. Deputy Speaker, it would have been better to refer to them as *jogoos* than bulls, if that is the case.

An hon. Member: But you were referring to KPU.

The Deputy Speaker (Dr. De Souza): You will withdraw it.

Mr. Mbogoh: But, Mr. Deputy Speaker, you need to help me in my trouble.

The Deputy Speaker (Dr. De Souza): Please sit down. If, when I ask you to withdraw, you start making a speech, next time I will ask you to sit down. I will not allow you to continue with your speech when you are trying to evade a ruling by coming with something very intelligent like, you should have said, *jogoo*. Either you withdraw or sit down, but not that one.

Mr. Mbogoh: Mr. Deputy Speaker, it is not difficult to withdraw, but also will you support me—

The Deputy Speaker (Dr. De Souza): Please sit down. Sit down, Mr. Mbogoh.

Mr. Mbogoh: I say I withdraw. I withdraw.

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Deputy Speaker—

Mr. Mbogoh: On a point of order, Mr. Deputy Speaker, Sir, I find that this is one of those times that the Speaker finds it difficult to control himself against emotions. I think that you should have—

The Deputy Speaker (Dr. De Souza): I will not have any point of order of that nature. Please sit down.

Mr. Mbogoh: Mr. Deputy Speaker, I very much protest and will leave the Chamber in protest.

(The hon. Member withdrew from the Chamber)

The Minister for Information and Broadcasting (Mr. Osogo): It is a pity that you gave me permission to speak in the heat of the moment when my friend just decides to be rude to the Chair. But I shall not be as emotional as he has been.

Mr. Deputy Speaker, having got my voice back, I stand to support this Bill. In supporting it I would like to join my colleagues who promised in this House— And at this moment there is a Cabinet Committee working on the drafting of the new Bill to replace this Act. The Bill will not come very early to this House, simply because the Government has to consult the bodies that have been taking care of these illegitimate children and also to consult other people that are interested in this matter, like the hon. Member for Mombasa Island, the hon. Omar. He is being consulted, too, to give us his views about what should happen to the children that are born outside wedlock.

[The Minister for Information and Broadcasting]

Mr. Deputy Speaker, I think that the present Act that we are repealing has been very discriminatory in that it has been working— Shall I, Mr. Deputy Speaker, appeal to you to see that the Front Bench here keeps quiet a little?

The Deputy Speaker (Dr. De Souza): Yes. Order. I think there is too much of speaking there.

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Deputy Speaker, I was saying that this Act we are repealing has been discriminatory in that it has not been applying to people in the rural areas. The girls in the rural areas have several times gone to court but they have been judged according to native law, of paying the girls back. But the clever ones in towns go to court and use the Affiliation Act in filing their cases and they have it. I hardly remember any of those in poor rural areas using this Act in filing their cases. It has been in this manner very discriminatory; so much so that, Mr. Deputy Speaker, it has tended to entice girls in the rural areas to come to towns to take advantage of this law. They have thought this law operates in towns only and not in the rural areas. This is one of the reasons why we find this law to be not clearly or very fairly used. The other reason, Mr. Deputy Speaker, with your permission, I will now give the story which happened to a young man when he was accused in a Kiambu court, for affiliation. Mr. Deputy Speaker, this gentleman defeated the case in Kiambu court, and the girl seeing that she had been defeated, ran to Nairobi, got hold of another man for the same pregnancy and sent this particular man to court at Makadara. This man, Mr. Deputy Speaker, going to Kiambu—which may have been his home—found out that this girl had run away from there and that she had taken a certain gentleman to a Kiambu court for the same pregnancy. This man came back to Nairobi, Mr. Deputy Speaker, and asked for the adjournment of the case for him to produce more evidence in court, and the magistrate was kind enough and allowed the postponement of the case and when this man went and collected a file from Kiambu court, he brought it to a Nairobi court and won the case against this girl. What this girl did the next time was to run to Nakuru and get another man in Nakuru on the same pregnancy and took him to court. Now this is the kind of thing, Mr. Deputy Speaker, that men are subjected to by women who are really ruthless and it is not a question of being discriminatory, Mr. Deputy Speaker. It is not the

question because I am the Minister for Information.

An hon. Member: How do you know?

The Minister for Information and Broadcasting (Mr. Osogo): An hon. Member is asking me how I know about it but he is forgetting that I am the Minister for Information.

Mr. Deputy Speaker, Sir, this kind of thing could not be isolated. It could happen to anybody, and it may be happening many times more. Mr. Deputy Speaker, we consider it quite unfair for this kind of thing to happen when we sit aside and see it happen, so we thought it should be replaced. Mr. Deputy Speaker, Sir, it was just yesterday when I was talking to a lady outside this Parliament or somewhere, when she asked me what was going to happen to children who are already being financed from this Act because the Act is being repealed and those who are already paying now are not going to pay any more. I told the lady that the fathers of these children are known because these fathers are paying a little money, so the only solution is to take these children back to their fathers. I am sure that those fathers will call back their children to have them with them and put them in their own families. This lady was doubtful and she asked whether the wives of these gentlemen would accept these children. I told her that that is what should happen. That is what we are trying to encourage. These are children for these men and they are responsible for them and their wives must accept them when they come to their families. So, Mr. Deputy Speaker, the lady I was speaking to was satisfied and if she is heading *any organization of any kind, that is keeping* this kind of children, she would now go ahead and appeal to the fathers of these children to come and collect their children, and look after them.

Mr. Deputy Speaker, Sir, the other thing is this. If the case goes to court in the normal way according to the African custom, especially in my own tribe, a girl taking a man to court for defilement, or for being responsible for her pregnancy, he normally pays, say, two cows for having defiled the girl. Then afterwards, it is clearly known right from the outset when the judgment is given, that the child will belong to the man, and when the child is weaned, or when he is about five, custom permits the man to go and collect the child and take him to school. This is what should happen. We think this is what should be incorporated in the new law, so that the normal course taken is that children go to the father who should take care of them. I am sure men will be afraid of—as the hon.

[The Minister for Information and Broadcasting] Attorney-General warned women to be careful—I am sure the leopards will be more careful than the goats, than anything else because they know that they will be adding more to their problems by having to feed children and to take care of them.

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

Mr. Karungaru: Mr. Deputy Speaker, Sir, it has become a custom of some hon. Members in this House to be cowards in speaking the truth. I have never been one. There is no one in this country who does not know the harm which the existing Act has caused to our country and the damage that it has caused. This Affiliation Act, Mr. Deputy Speaker, Sir, was not an Act but an Ordinance. Immediately after the attainment of our Government, this was among those other Statutory Laws which were adopted to become Acts. But Mr. Deputy Speaker, I have heard some hon. Members asking to allow this matter to be referred to the public in the form of a referendum. I fail to understand the logic behind it, because I do not know who consulted us when this law was enacted. Who went to seek for a referendum? What time are we going to the public to get a referendum so that we may pass a law in this House? I fail to understand the logic behind it, and there is no premise of argument on this law.

Mr. Deputy Speaker, people are afraid of telling the truth. We know that the existing law has encouraged so many women to become very loose in their morals and, as a result of which, they get money which they do not give to the children affected. They keep on buying mini-skirts, they keep on buying all the substances and they do not care about the children. We must face the truth if we want to save this nation. We do not want children who have no fathers in this nation. We do not, at the same time, want to become cowards or copiers of the British Empire or imperialists by imitating them as if they were the only champions to tell us what to do in our nation; that we should have no say in a nation like this of ours. Mr. Deputy Speaker, Sir, I fail to understand why some hon. Members are trying to dodge the truth. They know the truth, and the truth, Mr. Deputy Speaker, is that there are many children whose mothers, have affiliated men. These mothers are not channelling the funds they get to the children involved. That is just the truth. We do not want such a kind of exercise. We would like the children affected to enjoy the things which this Act has been seeking, but, Mr. Speaker, this is not happening now. Now, some other Members

are saying that this law has been very discriminatory in that it has only been in the favour of women. I tend to agree with those Members who are saying so, because, this is a game of two people. You may find that a man is not earning and is followed up to pay for the child, whereas the woman is earning very fat money and that woman is ignoring that child. Whose child is that? That child did not come into this world alone, that child came to this world through two persons who should be responsible for that child. Mr. Deputy Speaker, this has come to be a great menace in this country, in that many girls nowadays do not want to marry. They want to live their single way of life and they are girls who have been educated by fathers. They just want to remain unmarried and go about with more than ten to 15 boyfriends. Who can afford all this? This kind of thing is a shame to a nation like ours. If any Member of this House is forced to tell the truth, I would ask him not to stay here and speak to defend only a section of the people. That is why I say I am here to speak on behalf of the nation, not a section of the people.

Mr. Lubembe: That is your constituency.

Mr. Karungaru: Mr. Speaker, the people of my constituency are men and women. I do not have just women, nor do I have just men. I hate to hear that it is only a woman who can benefit. I would also like a man to benefit.

If a man has had a child through a particular woman, and he can afford to bring up that child, and he is affiliated, I do not understand why that child should not be in the house of that man. Is there any shame in that? If I have a child by any woman, then I would like that child to come to my house. What is wrong with that? What is it that is anti-social in the thing that I have done?

Everyone knows that we have to go with women if we are men. Every woman also knows that she has to go with men. This is logical, and logic must be accepted. It must be approved and accepted. It is in accordance with the law of nature and you cannot change the law of nature. If today you say that as a woman you do not want to get in contact with a man, then you are cheating yourself. If you are a man and you say that you do not want to get in contact with a woman, then you are cheating yourself. You cannot avoid the law of nature. Mr. Speaker, it is the law of nature which brought about mankind. If there was no law of nature such as this, then we would not have a Parliament like the one we have now. Therefore, I fail to understand why we should not speak the truth.

[Mr. Karungaru]

Mr. Speaker, now that I have answered a few of the Members who were trying to avoid the truth, I feel I have made them understand it. If they take this Act in any other different way, then I have this also to say—

I must thank the Minister for Information for giving me this glass of water; it will help me to say more on this subject. It also shows that the Minister approves of what I am saying, he supports me.

Mr. Deputy Speaker, now that the nation has already seen the danger of this law, and I know of children who have been born in this way— Here I do not want to implicate the Attorney-General because he is the Chairman of Dr. Barnardo's Home, and I do know that some of the children born in this unfortunate way are there. Even in my area there is a place known as Edelvale where there are some of these unfortunate children. The other day when the hon. Dr. Waiyaki was speaking he referred to the case of that school, and I fail to understand why he did so. I take care of some of these children in my area. I have a natural love for children.

However, Mr. Deputy Speaker, I have a quarrel here, that some women are not properly brought up when they are in their parents' houses. I want to take this opportunity to blame the parents. Parents in this country have become very loose. They do not take care of their children. You cannot tell me that when you have a wife you do not know what type of children you will have. You will have boys and girls. So you cannot discriminate here and say that the girl should be given the opportunity to exploit the boys. I fail to understand that remark made by an hon. Member. Whether they are boys or girls, Sir, they are mine. I would not like the women to take the side of the boy, neither would I like her to take the side of the girl.

First, Sir, God created man, and that is why there it says, "For the welfare of society and the just government of men." Women are not included there at all. It is known that a woman came second. We want the first place to be for the man, not the woman.

Mr. Kibuga: On a point of order, Mr. Deputy Speaker, Sir, I do not want to interrupt the hon. Member speaking because I support what he is saying, but would you correct him that the meaning of the saying he has just quoted, what is written at the entrance to the Chamber, does not exclude the women.

The Deputy Speaker (Dr. De Souza): I think he was trying to make a debating point, for what it is worth. I do not think it is worth very much.

It is quite correct, Mr. Karungaru, that, as the Speaker has explained, the word "man" is a generic term which includes men, women, Children, everybody, mankind really.

Mr. Karungaru: Sir, time and again I have failed to understand what other hon. Members in this House do. They try to interrupt so that time is wasted.

If the man who wrote that saying was not wise enough, then he would also have included the women. We know very well, Sir, that we only have "mankind", we do not have "woman-kind". That is logic. It is on this that I am basing my argument. Sir, I do not want any Member to doubt me on this.

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

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

Mr. Speaker, this Bill appears to have the support of most Members of this House and, indeed, if you read the *Taifa Leo* you will see that the members of the public are congratulating the Attorney-General for the Bill. Members of this House should not look askance at me when I say this because it is really what the members of the public are saying.

The Minister for Power and Communications (Mr. Nyamweya): On a point of order, Mr. Speaker, since the hon. Member has exhausted most of his points, I wonder whether this would be the appropriate time for the Mover to be called on to reply?

The Speaker (Mr. Slade): Order! Order! I think we have reached the time when the House should consider the closure. Out of courtesy to the hon. Member we should let him finish his sentence, I think.

Mr. Karungaru: Mr. Speaker, thank you for having this wisdom. In fact, Sir, I was almost finishing.

I will now appeal to hon. Members to see the sense in repealing this Act. I would also like the Government to bring in another Bill to take care of the children. We are not interested in taking care of the women who are grown-up, neither are we interested in the men who are grown-up, but, definitely, we are concerned for the children who cannot take care of themselves.

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

The Speaker (Mr. Slade): I will now put the question of the closure.

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

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, as I said when I moved this Bill—I said that it is a matter entirely for the decision of this House. I have had no instructions from anybody and the matter is entirely for this House to decide.

Mr. Speaker, Sir, there are certain people who are paying lip service at this late hour, about this legislation. However, the truth is, if one were to gauge the feelings of this House, it would be apparent that this legislation is unpopular.

What we shall have to do later on is to sit down, unemotionally and seriously, in association with other people who are interested in child welfare in this country to work out a legislation which would protect the children of this country.

It is all very well for the hon. Member, like a parrot to keep on saying "Question?", Mr. Speaker, but he spoke and he has an opportunity, in this House, to convince his friends in this House, but he has failed dismally.

It is not for me to try to influence Members in this House. My work is to bring legislation to this House so that Members can pass it.

(Question put and agreed to)

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

Second Reading

THE ENGINEERS REGISTRATION BILL

The Speaker (Mr. Slade): Minister for Works not here?

Perhaps we had better go on to the next Order.

Second Reading

THE FENCING BILL

The Speaker (Mr. Slade): Minister for Agriculture?

We will have to go on to the next Order.

Second Reading

THE DEFAMATION BILL

The Speaker (Mr. Slade): Mr. Attorney-General, are you ready or are you rather taken by surprise?

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I am afraid I have been taken by surprise. I was hoping that the other Ministers would be here. I do not have my brief with me and I am afraid I cannot introduce this legislation. Otherwise I shall not be able to explain all the points to the hon. Members.

Mr. Lubembe: On a point of order, Mr. Speaker, since I am aware that hon. Mr. Mwanyumba is in the building, either watching television or on telephone, would it be in order for me to call him in?

The Speaker (Mr. Slade): I think Ministers should be here, ready to deal with their Bills.

However, for the convenience of the House I think we might wait a couple of minutes in the hope that he can be summoned in time.

Mr. Thimangu-Kaunyangi: On a point of order, Mr. Speaker, I would like your guidance here, as to what happens if a question is put when there is no quorum, like what happened when the question of the Second Reading of the previous Bill was put and carried?

The Speaker (Mr. Slade): Unless an hon. Member has objected to the absence of quorum at the time when the question is put, the Speaker takes no notice. It is only when we have a Division that the Speaker has an obligation to ensure that there is a quorum.

Mr. Mwanyumba, you appear to have arrived with some sponsors!

We will come back now to Order 6.

Second Reading

THE ENGINEERS REGISTRATION BILL

The Minister for Works (Mr. Mwanyumba): Mr. Speaker, Sir, first I must apologize if I have been late.

Mr. Speaker, Sir, I beg to move that the Engineers Registration Bill be now read a Second Time.

For a long time in the past this country had depended on engineering institutions in the United Kingdom to assess engineering qualifications here. This was all right during that time as Great Britain then was the administering power. However, this practice has become undesirable at present since Kenya attained her independence. Therefore, it is not in keeping with the dignity of a sovereign state to continue depending on a foreign power to assess such qualifications as those for the engineers who have to work for us.

Furthermore, Mr. Speaker, conditions in the United Kingdom are very different from our own conditions here and, therefore, shortly after Kenya became independent, talks began as to what should be done in order to substitute the foreign institutions with local institutions to assess the qualifications of engineers. In fact, this kind of talk was carried out by the three East African countries, Tanzania, Uganda and ourselves, with a view to having a uniform sort of standard for

[The Minister for Works]

assessing our engineers. This was, however, not possible because as sovereign states every country wanted to have its own institution and already Tanzania has gone ahead and enacted legislation on this very matter. I am informed that Uganda is also on its way to introducing this similar legislation.

Mr. Speaker, Sir, the Engineers Registration Bill seeks to solve two specific problems. The first one is to standardize on engineering qualifications from various countries, broadly using the University College of Nairobi as the yardstick. It is necessary to have a uniform academic standard applicable to all engineers who practise in the country. Hon. Members will know that we have a problem here, in that we have a number of our own young men who have gone to very many countries in the world and who are, from year to year, coming back to this country to serve us as engineers. It is difficult, on the part of the Government, to be able to assess properly, qualifications attained by these students overseas. You know of many notorious universities such as those we see in the United States, in India, and many other countries, and it is difficult also today to be able to assess properly the type of qualification that a student has gained in the eastern countries, and this kind of thing.

Mr. Speaker, this Bill, if enacted, will be able to deal with such a situation.

Mr. Speaker, in addition to our own students who are coming back from overseas, we also have a number of engineers from other countries who come to work here either for Government, or who come to work in the private sector. It is this kind of engineer who has to be registered in the country in order to allow him to practise here. Not only that, Mr. Speaker, we also have other agencies, like the United Nations, who have people working, sometimes temporarily, in the country and all these types of people need to have their names registered before they can practise their profession in the country.

Mr. Speaker, I must say that we have to use our University College, Nairobi, as a yardstick because the college has attained a very high international standard and we are very proud of it.

The second specific problem, Mr. Speaker, is related to the standards of practical training necessary before an engineer can be deemed to have attained professional status and to be in a position to practise engineering as a fully qualified, professional engineer. It is important that after the attainment of an academic degree as an engineer, that that engineer should spend some time, which we think should be two or

three years, doing some practical work in the field in order to polish up, or in order to make himself acquainted with what is going on in the field. A mere academic qualification, by itself, is considered not sufficient to qualify somebody to be able to carry out undertakings as an engineer. Therefore, this sort of training is considered extremely important and essential if a person has to be qualified as an engineer.

This sort of legislation is not the first that has come to this House because we have had similar legislation which covers, let us say, nurses and doctors, and also architects and quantity surveyors. There was a loophole somehow, Mr. Speaker, and this one is designed to cover such engineers as we call civil engineers, mechanical engineers and electrical engineers.

In the Bill, therefore, Mr. Speaker, you will find that there is provision for a board to be formed which will look after this Act, and the function of the board will be that it will have to register all those people who apply to be registered as engineers. There is provision that if an applicant is grieved by the board, or is not satisfied with the decision of the board, he can send his queries to the High Court; that is to appeal to the High Court.

The work of this board will be to establish, every year, a list of all the engineers who are working, either temporarily or permanently, in the country. Therefore, it will be easy for any person or private firm to be able to know that this man is an engineer, and has been approved as an engineer, by looking at the list which will be published and revised every year.

Another important aspect of the Bill, Mr. Speaker, will be that there are many people who have posed themselves as engineers. Now, this board will deal with such persons who pose themselves as engineers. This has been a problem in the past, not only in the private sector but also in Government. We have seen people saying that they have come from such-and-such a country and they have a long list of letters which they call degrees, which actually do not mean very much. Engineering is a noble profession and in a young, developing country, such as ours, we need to have the right type of person to work for us—in Government or in the private sector—who is actually an engineer. To design construction work of the size which is carried out today needs a person of that calibre.

Therefore, Mr. Speaker, there is really nothing very new that the board is being asked to do—which will be formed by the provisions of this Bill—except that we want to standardize the engineering profession; we want all engineers to

[The Minister for Works]

be registered, whether working temporarily or not, and we want anybody who calls himself an engineer to be a registered engineer.

Mr. Speaker, the Bill, as published, is written in very simple and clear language, and I hope that hon. Members have gone through it. There is provision as to how the board will be formed and there is also, in the Bill, the qualifications of engineers and what has to be done in order to get such engineers registered as engineers. There is provision also made in the Bill for those who may perhaps be guilty of professional misconduct or something like that. Everything has been taken care of.

Therefore, Mr. Speaker, as I said a little earlier, it is desirable that we have this register to cover these other engineers who are not covered in the other Acts.

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

The Assistant Minister for Local Government (Mr. Munoko) seconded.

(Question proposed)

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Matano): Mr. Speaker, Sir, I think the Bill is self-explanatory and the Minister has outlined the reasons for establishing this legislation and I am sure that the House will accept it. I feel, Mr. Speaker, that as an independent country we should be independent in more than one sense. It is no use being independent and then relying on other countries for important people like engineers. Each country must aim at high standards and when we come to things like engineering it is very important that we retain high standards. When the Minister introduced this Bill, I am sure he had in mind the raising of standards of engineering in this country.

Mr. Speaker, there have been appalling examples of people who pretend to be engineers, as the Minister said, and went on constructing buildings and then within a short time we found these buildings with big cracks—in the end people spend a lot of money putting them right. They are not sure as to what kind of soil it is, and what kind of construction is fit for such-and-such a place, and these things can cost the public a lot of money. It may even cost a lot of money on the side of the Government, Mr. Speaker, when it comes to the construction of things like bridges. Bridges where people pass, or trains, or motor cars, then we must be sure the bridge can hold the people, or the vehicles which are passing over it. If we allow people who call themselves engineers to construct these bridges, and public

houses, then, Mr. Speaker, we are asking for trouble.

Therefore, Mr. Speaker, I support the Minister in introducing this legislation to try and bring about standards in this country where we will be able to rely on our own people. I would appeal to the Minister that the board which is going to be selected should be a board of people who know what they are talking about. There is a danger, Mr. Speaker, of appointing people who think they know when they do not know. I am sure the Minister will look into this to see we have people who know what they are talking about, people who will not be prejudiced. When I talk of people being prejudiced, Mr. Speaker, it is because there is a danger whereby we try to have experts to judge these people from one country only. Because they come from one particular country, they may be prejudiced against another country. Therefore, I hope the Minister will use his wise offices in the selection of the people to sit on the board, who will not be prejudiced. Prejudiced because they come from a different country, or because they come from a different country, professing a different ideology.

These things, Mr. Speaker, can easily affect the quality of the work of the board. Mr. Speaker, we all support it and I hope the Minister will go into it very, very carefully so we can establish our own standards.

Mr. Speaker, I can see a lot of goodness in appointing people who are experienced in the type of climate we live in, the type of soil we have, and I believe that all these things matter. An engineer who is well qualified in perhaps Britain, or other countries in Europe, may be qualified on paper, but when he comes out here he may have to learn local conditions and how to deal with them. This is important, and there are times when an engineer who is trained in another country outside Kenya, or Africa for that matter, may have to spend some time in studying the climatic conditions, the composition of the soil here, and the local conditions, local labour, and all these things matter a lot. When an engineer is employed, he is not only engaged in the drawing on the paper, but it may be necessary for him to assess the costs, and when assessing the costs, Mr. Speaker, he may have to take into consideration the people who are going to undertake the work. This may involve the temperament of those people. He may be coming from a country where the temperament of the people is different from that of our people here. The output of the people here may be different. All these things matter. They may appear irrelevant but they all add up to the same thing, to make a good engineer.

[Mr. Matano]

Therefore, Mr. Speaker, all these things are important and I have mentioned them because they can easily be overlooked when deciding the composition of the board which is to decide who is to qualify as a good engineer worthy of being put on the roll.

Mr. Speaker, I would also like to point out to the Minister that standards should not be lowered. This is very, very important. We are all very keen to see local people taking a keen interest and being given opportunities to advance, but it should not be done at the expense of lowering the standards. Standards must be maintained, and even improved, all the time so that the name of Kenya will remain high. We do not want a reputation where our engineers, who are qualified here in Kenya, and are on the roll here in Kenya, may not obtain a job outside Kenya. We would like to have an engineer who comes from Kenya, and who has been put on the roll here in Kenya, who will be acceptable not only in Kenya itself but all over the world. I feel this is very, very important indeed, Mr. Speaker.

Mr. Speaker, I would not like Kenya to drag behind. The Minister has already told us that Tanzania has taken action, and Uganda is on the way. Mr. Speaker, I feel the time has come when Kenya should forge ahead. We should not be frightened by the responsibility laid on us, but we should forge ahead and try to have the board formed, and have the roll put right and start immediately. We do not want to be lagging behind because we have not decided what action to take.

Mr. Speaker, I do not want to dwell much on this Bill, and therefore I congratulate the Minister for bringing it. If there are any other legislations which need to be put right, they should be put right immediately because we have been independent for the last six years and see no reason, whatsoever, why we should be consulting other countries for this, that or the other. I think it is time we learnt to stand on our own two feet.

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

Mr. Mwithaga: Mr. Speaker, Sir, I rise to support the Bill and say the Government has taken proper measures at the right time, because the country has almost become fed up with the kind of engineers here, some of whom have been very much doubted because nobody seems to understand how much they know and where they were actually trained.

At the same time, Mr. Speaker, Sir, I feel it proper for such a Bill to come to the House to establish a board for various reasons. Some young men who have been abroad to study have been

discriminated against, and if it were possible to lay men on the Table of the House, I would go out and pick up some of them and lay them on the Table. It is legally impossible to do so.

Mr. Speaker, I have seen for myself the people who have been trained, especially in eastern countries, who have gone to college for years and years and when they come back the Minister for Works has no recognition of their training at all, nor any consideration of what they can be used to do in this country. I feel it is time a board should be established, such as this, where they can go and prove they have been trained. I know the people who have been kept in the Ministry to try and scrutinize the validity of some diplomas or degrees have found it difficult sometimes to tell what kind of degree a person holds because of the language problem.

Mr. Speaker, Sir, this has been an experience, and for the information of the Minister I have checked on some of the diplomas and seen that now the eastern countries are trying to print their diplomas in English, French, and the local language, be it Bulgarian, Russian or any Slav language. Mr. Speaker, Sir, I do not know who actually advises the Government on the validity of these diplomas, whether it is the United Nations Education Council, or whether it is local brains who decide on who is actually qualified to be entitled to a certain degree and at what level in comparison with the degrees of other countries.

Mr. Speaker, a Member says there is a council—but that council is almost defunct, it is a defunct council, if it ever existed, because students have had to go to the ambassadors representing the countries where the students were trained, for them to advise the Ministry of Education on categorizing the diplomas and degrees. If the council is in existence, it is absolutely unworthy and should be rejected from statutory instruments.

Mr. Speaker, Sir, I support the establishment of this board. The composition of the board is a matter for serious consideration. The Minister was just whispering to me here, when I tried to examine his brain, as to what he had in mind in connexion with the establishment of the board and the constitution of it, and also the composition. He says—I am sorry it is top secret. The impression he gave me is that those who will be on the board will be professional men. I agree with this. If the Minister is not careful, he is going to be given the usual advice on who is suitable for inclusion on the board, be he professional or otherwise, by his usual advisors and eventually we will end in having, as one of the Assistant Ministers said, a prejudiced board. This would be very serious.

[Mr. Mwithaga]

Mr. Speaker, the Minister must use all his wisdom to mix the whole cream. Let them have a brand of people trained in various countries. Mr. Speaker, Sir, the question of trying to find people who are only conversant with our local conditions at this moment is very difficult. Our colleges have not actually produced the type of engineers we would like to have, in the five years since independence. We have the Nairobi University College which was the Royal Technical College in those days training some technicians and engineers. We have the Kenya Polytechnic training some engineers. Mr. Speaker, Sir, what are the syllabuses? These are dependent on the syllabuses of colleges overseas, and we do not have any for local conditions. If there is an intention to readjust the syllabuses in order to enable those registered engineers to acquaint themselves with local conditions, then we should do so now.

Mr. Speaker, Sir, the point at dispute here is of giving these boards judicial powers. There may be other boards having similar powers, but, Mr. Speaker, Sir, when a board is going to interpret and apply clauses stipulated or provided for in our Criminal Procedure Code. Mr. Speaker, Sir, at the same time these professional men are not conversant with the law, apart from the professional regulations—I think this is a mistake. How do you give a person the powers of a trained magistrate, a judge, when he is not a professional man so far as the law is concerned? Interpreting and applying the conditions of the law may create some difficulties to the board and, eventually, when they impose the fines provided by this Bill—we find that a person is liable to a fine of Sh. 10,000 for a certain offence and another one for giving false information can be fined Sh. 5,000, Mr. Speaker, Sir, the limitation is Sh. 10,000 and the other one Sh. 5,000, this is how the board is empowered to impose the fine.

Mr. Speaker, Sir, a fine without an option, because the only option I can see in the Bill is to appeal to the High Court, and this implies the board has powers similar to those of the resident magistrate's court, whereby one can only appeal to the High Court. Mr. Speaker, Sir, this is a way of usurping the powers of our courts and I dispute this. What should be done, Mr. Speaker, Sir, is to leave the courts where they are as we believe our Judiciary is independent. Mr. Speaker, Sir, these people should be left to appeal to the courts, be they resident magistrates' courts or the other ones. It is those courts that should be given powers under his Bill to be able to try for these boards and on behalf of those people aggrieved and not the board itself, unless we are assured here that the board will have a judicial panel

composed of people conversant with our law, professional men like some Members here, and of other lawyers outside. If this is going to be added, then I think the Minister will have done some service, otherwise this should not apply.

Mere appealing to the High Court, Mr. Speaker, Sir, is not the solution. If the board cannot give an option, that unless a man fails to pay Sh. 10,000, then the alternative would be such and such—what happens if he fails to pay the Sh. 10,000? If he cannot afford it? Where does he go? Mr. Speaker, Sir, the Minister agrees with me that there is a loophole there; I can see him nodding his head. Mr. Speaker, I cannot remember the page I want but I have read the whole Bill. I feel this is something for the Minister to act on.

The other thing, Mr. Speaker, Sir, is the question of temporary registration. The Bill says that persons working here for a given period, a short time, will be entitled to register as engineers during the period they will be working in Kenya. Mr. Speaker, Sir, this conflicts with the intentions of the Minister to have our own registered engineers, because that person, if he is only going to be registered in order to operate in Kenya, if this is the only reason for his being registered here, and yet he might have graduated from an engineering college somewhere, or university, what does it imply, Mr. Speaker? Does it mean the board will not recognize registration elsewhere, or what does it imply? Mr. Speaker, if a person has come from the Royal Technical College in London, or somewhere else, he is fully recognized and registered there. We are a Commonwealth country, so do we have to register this person again? What I thought the Minister should do is to see a list of such people is kept and they are authorized to operate in Kenya without having to be scrutinized by a board when they already have adequate training and registration elsewhere. This is unnecessary, Mr. Speaker—after all they are only here temporarily.

The other thing, Mr. Speaker, is that the Bill provides it is individuals—on this is the impression I obtained from the Bill: that it is the individuals who apply for registration. What about a body corporate like engineering companies of some sort, and other bodies which are already registered under the Companies Act? They have a common field. They have powers to sue and to be sued as individuals. Why, Mr. Speaker, Sir, did the Minister not see fit to refer to such companies so that they are able to apply as individuals in a similar manner as is applied to a single man? This should be included, Mr. Speaker. This would mean, if they cannot register as such, each member of the particular company would

[Mr. Mwithaga]

apply for registration as an individual whereas the company is already registered as such. Mr. Speaker, the Minister must be able to see sense in this and try to sort it out before the Bill goes through so it can be included here. There is no point in bothering our companies, which are registered under the Registration of Companies Act, because they are already established as qualified and registered engineers in the sense of the law.

Mr. Speaker, leaving that out would mean complicating the whole issue again, whereby the companies will have to apply to the Minister for new recognition of their individual members of their company, and there is no need to insist on this. Therefore, Mr. Speaker, Sir, I support the Bill provided the Minister is going to see sense in using his good wisdom to ensure that this board is going to work without prejudice and completely free from interference from any influences which the Minister knows very well normally disturb our boards.

Mr. Speaker, Sir, I also caution him to remember the question of interpreting the degrees and emphasize degrees from Eastern countries, to stop our students from being— They normally come and stand outside here asking Members if they can help the students to see a certain Minister. Nobody seems to help them, and, therefore, they must all be called on to register. Mr. Speaker, there was a time when we had the then Minister for Labour, Dr. Kiano, when he said in this House, and told the whole nation, that all skilled labour should report to the Ministry of Works to be registered in order that the Government may be able to account for them and help them in obtaining employment after they had registered. Mr. Speaker, Sir, despite going to the Ministry of Works' offices, they are still outside here; they have not been able to find employment and they were promised that through being registered as skilled labour as far as the Ministry of Works was concerned, they would be given consideration.

If our engineers are to be registered only to be kept in this country bearing the name of "Hon. Mwithaga, Registered Engineer; Member of Parliament", and no job can be found for them, then there is no need to register him at all. We must register them in understanding that we are shouldering responsibility. Some of them are trying this and that. If you prove yourself worth the degree you hold then he will consider you for further promotion or through recognition of their diplomas. Mr. Speaker, Sir, those are merely delaying tactics to keep that person there. It will serve an interest which the employer, perhaps, has in mind. This should be

stopped forthwith. Immediately a person has been registered with this board he should be given his true recognition and should also be given a real job. If he himself fails, we shall not have mercy on him at all. However, if it is a question of trying a person, trying to play with his intelligence and temper with his education, it is extremely wrong.

Therefore, Mr. Speaker, with those few observations and remarks, I beg to support the Bill.

Mr. Kago: Mr. Speaker, Sir, I would not like to be very long on this Bill. This is because the points which have been put forward by the Member for Nakuru have shown the Minister that there is, in fact, something to be done.

Mr. Speaker, Sir, I would like to congratulate the Minister for being the first Minister in the Kenya Government to remember that there are professional men who really need to be put in a kind of organization which is recognized by the Government, and also have a law-backing in the country so that they may regulate their affairs.

Mr. Speaker, Sir, I fully agree with the Minister, especially where he says that he will leave wide scope of freedom to the board. I am sure, and I think it has been said, that the board will be constituted by professional people who will be responsible for deciding who should be registered and who should not. We should not take very lightly the case of professional people. This is because we have heard often cases of people who roam about claiming that they are qualified in such-and-such field, only to find later that these people are not qualified at all. Not only they are not qualified but they are far from any qualification. Mr. Speaker, Sir, professional bodies must be left alone to decide who should be members of their professions.

I would like to stress a point concerning discrimination of students and, of course, graduates from the two main parts of the world. Also with such a point in view, I would like to congratulate the Minister for establishing such a board. What the hon. Mr. Mwithaga has said is true. Today, it is only the Ministry of Education which is left to decide whether a certain degree or a certain diploma should be recognized in Kenya or not. Mr. Speaker, Sir, I have had this problem myself. Not that I was discriminated against, but my people from Nyandarua who had gone for studies to countries, like Hungary and Bulgaria, have been subjected to discrimination. Recently, some people who came from such places as Russia, have had to face a lot of problems. I want to move a Motion here to

[Mr. Kago]

discredit the Education Ministry because of the discriminatory way in which it is handling the problem of deciding whether to recognize this degree and that or not.

Mr. Speaker, Sir, every Ministry, of this Government, which needs highly trained technicians should have a board of this nature which will not consider the appearance of a person, whether the person in question is handsome, ugly, thin or fat but will consider his qualifications. If we had something of this nature, I think we would be on the correct line.

What has been worrying us is that the people who have been in charge of interpreting these degrees or diplomas in the Ministry of Education do not themselves hold degrees. They are only executives. Executives may be of third or second grade. How can a person of that standard correctly interpret whether or not a certain degree is recognized? How can they say for sure that So-and-so did not acquire the correct standard of education? What is more worrying is to see a person going to eastern countries, staying there for more than five years—sometimes having finished his secondary education and qualifying in the School Certificate Examination here in Kenya—only to return here in Kenya to be told, “Oh, we can only recognize you as a person either who has been in Egerton College or Kenya Polytechnic. Mr. Speaker, Sir, we know that the people who go either to Kenya Polytechnic or Egerton College are people who have a very low educational standard compared with a University standard. What is surprising is that when a person goes to a country like the United States of America and stays there, for example, for a period of three years, and in some cases such person has had no secondary school education, yet when he returns with a degree he is given a job before he lands at the airport.

Mr. Speaker, Sir, if we are to be fair to our people, we must be broad-minded. If we are really non-aligned as we claim to be, we must not disqualify people simply because they happen to come from such-and-such a place.

Mr. Speaker, Sir, I have a typical example. The present Provincial Engineer in the Coast Province was for some time totally rejected by the Kenya Government. He was employed by the Ministry and given a job somewhere. The job was to survey the main road going to Kampala. When he had surveyed it for half the cost and it was quite satisfactory, they said he was wrong and, therefore, they could not have him. However, he was found to be economical. Notwith-

standing this, the adviser who was in the Ministry said he could not be employed. Instead he was given leave to go home. However, later on when he was accepted—I can see the Minister trying to reject, yet this is a fact. When the Ministry came to its senses and really investigated the facts, they found that that man is not only good but one of the best chaps in Kenya today. That is why they made him a provincial engineer, responsible for all the engineering activities in the province. This just shows how we sometimes can misuse material that we have in Kenya, how we are at times misadvised on account of the gains of some individuals. Let us be fair to everybody. If a person feels that he is qualified in this or that, let us test him. If he proves incapable, then, all right, let us send him home; but, if on the other hand, he proves capable, then let us use him. Otherwise we will continue speaking and hearing all about this very sweet tune of there not being enough manpower, of us being in the area where there is no manpower. Sir, most of our manpower is being wasted all over the country.

I think this is very important and I am glad that today we have quite a number of Ministers here. Mr. Speaker, once we have these very highly-educated people not being employed, not being used— We must not forget the famous English saying, which is very important, “Satan uses idle hands.” These fellows are very highly educated; some of them have been trained in what we call nuclear physics, others hold very high degrees as a result of very long and high education. If we cannot put these useful citizens—these useful intellectual brains—to good use, what will happen is that instead of hearing now and again—

Mr. Shikuku: On a point of order, Mr. Speaker, whereas I agree with most of the stuff being dished out by the hon. Member, could he tell this House who are these students we have who are studying nuclear physics and such techniques?

The Speaker (Mr. Slade): No, I do not see a point of order there.

Mr. Kago: Mr. Speaker, this only shows, when this hon. Member tells us that he does his homework, that he does not do it.

In 1963 when I went to Russia with my friend, the hon. Assistant Minister for Works, we found one very bright chap who was studying at the Moscow University, Physics Engineering. This man finished his education there and is now in Kenya. I am not very sure whether he is employed or not. So if the Minister can agree with me, that we have people of that calibre, well and good;

[Mr. Kago]

this is only one. I happen to know of this case because he used to come to our hotel and he told us what he was studying. What about those others we know nothing about?

We have people who can man, maybe not very well, but practically all of the projects that we have in this country. It will not be surprising if one of these days, when we have money, we have engineers on projects that will take us to the moon. We have engineers who can do this kind of thing. All I am saying is that we should not forget these well trained and intelligent people, we must make use of them. We cannot benefit from these brains by denying them the chances to prove their capability, to prove that they can do something. We must not deny them the chances to develop this country and play their part in building the nation.

That is why I think the Minister has a bright idea in trying to form this board which I am sure, immediately it is formed, is going to put advertisements in the papers so that any person who thinks he is an engineer will present himself, have an interview, and if he passes will be registered. Thus all these people will have the chance to try their luck, if it is employment or anything of the kind, to see how they succeed.

Along with that I would like to ask the Minister to use his good offices and influence, as well as knowledge, to advise the other Ministries on this matter so that we will be able to sort out which is good material and which is not.

Failing that, Sir, I would advise the Government to have a national board which will be comprised of all kinds of professional people with knowledge of different branches so that they will be able to process such applications as may come in. In this way we will know for sure that trained. Those we find useful, we will make use of.

Otherwise, Mr. Speaker, our people will complain from time to time that they do not have jobs, that the jobs are only going to one side—

An hon. Member: Which side is that?

Mr. Kago: This is well known, it is evident. All jobs go to the people who are trained in Western countries. This is not a secret.

[Mr. Speaker, when we have these educated people at large, without employment, we do not know what they will organize.

At this time, Sir, when we want to Africanize as many posts as possible, we will not be able to Africanize them unless we make an effort to use all the available material. We must give them

chance to gain experience so that when the time comes to replace So-and-so we will have the man ready. As long as we do not do that, we will continue to import labour, we will continue to claim that we do not have trained people when all the time we do have the right material at our disposal.

With these few remarks, Sir—which I hope have been of educational value to the Government and the Ministry—I beg to support this Bill trusting that it is going to be used for the benefit of our engineers and that it is going to serve as an example to other Ministries so that they can also have some way of sorting out people and thus have these very learned gentlemen in places where they can put their knowledge to use.

MOTION FOR THE ADJOURNMENT UNDER STANDING ORDER 20

SOUTH NYANZA TEACHERS' SIT-DOWN STRIKE

The Speaker (Mr. Slade): It is the time appointed for Mr. Ngala-Abok to move the adjournment of the House. So I will call on him.

Mr. Ngala-Abok.

Mr. Ngala-Abok: Mr. Speaker, Sir, I beg to move that the House do now adjourn in order to allow me to bring home to this country, to the Government and the Members of Parliament here that we have a problem now in South Nyanza, a problem which needs a solution right now. It needs a solution right now and not in two days' time. The problem needs a solution right now, this evening, now while I am speaking.

In saying this, Sir, I know pretty well that our Government has tried very much to help all those county councils that are broke; but it is also well known that South Nyanza County Council is broke because they inherited a system through the *Majimbo* constitution whereby the people in that area could not get money in good time to use in paying bills.

Mr. Speaker, Sir, the Member for Butere must take me seriously. This is my own story, he can tell us his.

Mr. Speaker, I have proper explanation as to why we ran into debt and I would like to be very quick on this. When the present Clerk to Council and the county council officials took over from those who went away last time, because they were also in difficulties at that time, there was a debt of about Sh. 12 million. They have tried to pay off this debt through all the revenues that they collected and they now still have about Sh. 3 million to pay. This means that they have worked pretty hard and succeeded in paying about Sh. 9 million. They will complete paying this debt off very shortly.

[Mr. Ngala-Abok]

Here I would like to ask the Government to pay the teachers their salaries because the teachers are the innocent victims of this situation. The teachers started a sit-down strike, or a go-slow strike, on the first of this month and it is about eight days now that our children are not getting any education. This sit-down strike is injuring the future of our children as far as the Certificate of Primary Education examination is concerned, and these children that are now being punished are innocent. The teachers who have not yet been given their salaries are innocent. The fact that the county council is broke is not a matter of the present councillors' making. They are broke for reasons which are well known to the Ministry of Local Government. If this money had been stolen, whoever was responsible would have been imprisoned. So the question of being broke is not the fault of any county council official.

Mr. Speaker, all I am now saying is that the statement made by the Assistant Minister the other day is very alarming indeed. Although it was a true statement on the situation—and I thank the Assistant Minister for that—I feel he should use his good offices to try and settle this problem immediately. He said that he had already given £14,000 to South Nyanza to be used in paying the teachers and that we need £30,000 in order to pay all the salaries. This means that we still need more money.

There is a statement in today's newspapers saying that the teachers are continuing to stage a sit-down strike in South Nyanza until they are paid. By the 16th of this month there will be a more serious strike at Homa Bay. This will involve the whole lot of them, 2,000 teachers.

The Ministry of Local Government has already sent in an application for some money to the Ministry of Finance and asking that this money should be given immediately.

There is another point I would like to mention: why should the teachers find themselves without salaries when it was known very well that the county council was broke and that there was no grant given, and that the teachers consequently were not going to get their pay? Now we find ourselves, on the 12th June having no money to pay the teachers. Why should the teachers be penalized? Why should the children be penalized? Why should a situation which was inherited penalize the whole of the public of South Nyanza?

I must say that the Government must plan properly for us, they must improve on this. The other day the Minister for Education was very quick. He jumped on the situation and said that

the teachers should refrain from joining politics and should be regarded as civil servants. All right. We created the Teachers Service Commission, which I believe to be a statutory organization, and gave them the responsibility of seeing that teachers we paid. The Government should pay teachers their salaries without relying on the county councils.

The Assistant Minister also told me—as frank as he always is—that the county councils are merely paying—agents for the commission and that they do not employ the teachers. Very good; but then, why not pay the money direct to the teachers? In fact, the teachers are doing very good work and they should not be the people made to suffer.

Mr. Speaker, this Government has declared that the country is going to a General Election but I feel, very seriously too, that if they do not handle the public more carefully at this particular time, we are going to find ourselves in a situation where we will have nothing to explain. You may get the Police in order to get a voter to come and vote for you, but that is not right. Why should teachers go on strike at this particular time? There is money, £4 million will be given to the Ministers. The money is there; so, why can it not be channelled to South Nyanza to pay the teachers? I am not denying that the Government has done is best but, at the same time, I say very definitely that our children must not suffer. The question of the council being broke is not due to the fault of the officials of the council. Therefore, the Government has to think very, very carefully.

I agree that the Minister who is going to reply knows that this is a genuine matter. It is a matter where he council is in the red. It is the Government which can rescue the situation. In this way the teachers can go back to work and the children will not continue to suffer.

Mr. Speaker, the other day I spoke to the chairman of the county council concerned and he told me, "If the Government can only write-off the present debt, then start giving us money and watching over our collection of graduated personal tax, we will do well." Some Members remarked outside here, and the Member for Butere is one of them, "If your county council is broke what is the use of bringing this kind of Motion to the House?" It is also for us, as a district, to see why we are broke. It is up to the planners to explore any financial resources, and resources that will enable the South Nyanza people build up a reserve, make money. People are there to be told what to do, we have to plan for them, see what crops they can grow to enable

[Mr. Ngala-Abok]

them to have money. We have very few resources from which we get money. We have cash crops which just do not do well. It is not like in other parts of Kenya where there are good crops. We must, therefore, be advised to a great extent by Government on how to get this money, how to keep it. It is no good blaming us all the time because that will not help anybody. The mere fact that we are being blamed for being broke does not mean that we are not going to remain in Kenya. We will remain in Kenya and we will continue to be a problem.

So, Mr. Speaker, Sir, it is up to the Government to take care of this particular area, consider its resources, make sure that that area can earn through the means available there and not pin itself down to planning for a given area. We are not going to remain behind. However much people may say that the teachers are not going to get their salaries, the teachers will get it. Otherwise it will be just too bad. I, as a representative of that district, am not going to be questioned by the teachers when they are on strike. We do not want to see our children wandering about the school compound. This is not fair when a lot of money is being dished out elsewhere. Mr. Speaker, we are part and parcel of this country and I am sure that in such a situation Members are going to sympathize with me.

So, Mr. Speaker, I would like the Minister to tell me that these teachers will be paid. As to whether the debt will be made good is another matter. Let the Assistant Minister rise, speak his mind and exhaust his resources.

Mr. Omweri: Mr. Speaker, Sir, this House should take this issue very seriously. First of all, it must be noted that this is not a South Nyanza problem, it is a national problem and it was moved as a matter of national importance. Therefore, anybody trying to minimize the importance of the issue is just trying to go beyond the question; and we must know that our responsibility as a national House, responsible for the people of this country, is ensure that every place is well looked after by our Government.

Mr. Speaker, Sir, our Government has erred a little here. The other day the Assistant Minister for Local Government said that they had made application to the Treasury for £50,000 but the Treasury had not given them this money. Why can the Treasury not give this money so that the teachers in South Nyanza can be paid and be able to work? We cannot be told that it is a question of a South Nyanza problem; it has gone to the Treasury of this country and it is not a question of the Treasury of the Local Government in Homa Bay, it is the Treasury here in Nairobi.

Mr. Speaker, Sir, it should be noted that nobody would like to work for nothing. Even the hon. Member, Mr. Shikuku, will not delay in going to claim for his sitting allowance. We must know that these teachers will not work for 30 days when they have not received the previous month's salary; they must be paid.

Mr. Speaker, Sir, I do not see why the leaders of South Nyanza County Council, the clerk of the council and the chairman, came to Nairobi to make sure that this money was paid so that they could go back to pay their teachers, only to be told that this money could not be released because the Treasury has not finalized the normal arrangements for this claim. How long should it take for these counties to negotiate with the Treasury so that the Treasury pays out the money? Does it take one week, three weeks, or how long? Does the Treasury not know that these people were going to be paid at the end of the month, and so they did not do the formalities beforehand so that they could release the money as soon as the month ended? This makes us wonder whether our Government is active and is concerned with the welfare of our people, particularly the youngsters whose minds have not yet been polluted and they do not know what is going on; they think that everything is normal, only to find that their teachers have not come to teach them.

Mr. Speaker, we feel that the Treasury must do something tonight, and I hope the Minister who is going to reply is going to assure this House that the South Nyanza money has already left Nairobi for the county council to pay them tomorrow. Should this fall short, Mr. Speaker, the Government will only aggravate the situation and I do not think they will help it, because very soon it might go out of their hands.

Mr. Speaker, Sir, our problem—and I am glad the hon. Mover mentioned it—which is very, very vital, is the problem of the children. The teachers have worked for a week now, or 12 days, without their pay, but our children have missed education for more or less the whole of this term and last term. The teachers have put this claim to the Government and here we are told that the equipment has been moved to various areas, but the South Nyanza teachers want the equipment as well to reach their schools. They have been in their schools and the equipment is not there.

The Speaker (Mr. Slade): Mr. Omweri, that is not what I allowed to be raised under Standing Order 20.

Mr. Omweri: Mr. Speaker, Sir, the point I want to raise here is that this issue is connected with their sit-down. I would emphasize on the finance concerned with the teachers and say that if there

[Mr. Omweri]

is any problem that the Government is facing now in releasing that money, we should be told here. According to what we were told last week, there is no problem except that the Treasury is sitting on the application.

Mr. Speaker, Sir, one point which I want to mention is that if this situation continues, and the children are left to suffer for a long time, then it should be possible for us to demand that the children, especially those in Standard VII, who should have been preparing themselves, during this time, so as to be ready for the examination next term should not be made to suffer. The certificate of Primary Education examination should be postponed so as to compensate for the days lost. In this case, Mr. Speaker, the Government should take the matter very seriously because we cannot have the children suffering under the disguise that it is the responsibility of the South Nyanza taxpayers. It is not a question of tax. If you go and get the records, you will see that these people have paid their comparative share. The percentage paid, if the Government had to match that, they would not have a problem in May; they might probably have a problem in September but not so early. This we want the Government to match and therefore make it possible for the county council to run its affairs and make our children, and the public at large, enjoy the facilities given by the Government rather than deny these people through the refusal to pay this money from Nairobi.

If there is no grant—I see the Minister for Finance looking at me—I suggest that we give them a loan so that we assist them. The money is here; we saw in the Estimates that there is plenty of money. Therefore, we had better give them a loan, if this is possible.

Mr. Speaker, Sir, I beg to support very strongly, and second.

(Question proposed)

The Assistant Minister for Local Government (Mr. Munoko): Mr. Speaker, Sir, I share the anxiety of the hon. Member who has moved this Motion about the children who are now not getting their education, as they have already paid their fees and the rest of it. However, Mr. Speaker, as I said yesterday, the grants payable to the South Nyanza County Council for 1969 are £199,150. Out of this they have already been paid the amount due to them for the first half of this year, which is £99,575. The grants which are due and payable to this council, as at present, are already paid and the Council cannot, at this juncture, say that they had any money outstanding which should be paid by the Government.

Mr. Speaker, on the contrary, the council has a debt to the Government to the tune of nearly £270,000. Between £32,000 and £35,000 is in the form of school equipment which has been supplied and the council has yet to pay for it. The other amount is £37,000, which is in respect of reimbursements for health staff, together with other staff which have been seconded. On top of that there is £12,750 which is due to the Government in the form of loan charges which should have been paid but which have not been paid. On top of that the Government has made loan grants from the Local Government Loans Authority to the tune of £185,945.

An hon. Member: Too many loans.

The Assistant Minister for Local Government (Mr. Munoko): Mr. Speaker, the hon. Member may say too many loans, but this is one of the points which has been made by one of the hon. Members—I think it was the hon. Mr. Omweri—who said that they should be given a loan if there are no grants to be given. However, the hon. Member should realize that a loan is not a gift and it has to be repaid. The main sources of revenue open to most of the local councils can be classified into three categories. The first one is in the form of graduated personal tax, and as far as South Nyanza County Council is concerned, it has estimated a revenue of £140,000, of which only £30,000 has been collected as at the 31st May 1969.

Mr. Shikuku: They want free things, that is all.

The Assistant Minister for Local Government (Mr. Munoko): Mr. Speaker, Sir, the next item of revenue is school fees. In their estimates they have £156,000, out of this £103,000 has been collected leaving a balance of £53,000 to be collected.

Mr. Speaker, the third source of revenue is Government grants, and, as I have already indicated, the full amount has already been paid. Mr. Speaker, the best way which is now open to South Nyanza County Council to obtain revenue is for them to collect the graduated personal tax which is still outstanding and, also, Mr. Speaker, they should collect the fees. In this respect, Mr. Speaker, I must be quite fair to the county council, the administration is responsible for the collection of graduated personal tax, and I would very much like to see the Administration tighten up on ways by which it can have this money collected as soon as possible in order to remedy this situation.

Mr. Speaker, the only other way now open, in which perhaps the Government could help, and I am sure it is going to help, is as laid down in section 17 of the Teachers' Service Commission

[Mr. Munoko]

Act. Under this Act, Mr. Speaker, section 17 (2), it lays down quite clearly that it empowers the commission to pay salaries on default of the local authorities, and such payments to be recovered from the local authorities by the Minister for Local Government.

The second part under section 17 (3) empowers the Minister for Local Government from time to time to make advances to the commission in order to ensure the commission is able to discharge its responsibilities as an employer of teachers. In this connexion, Mr. Speaker, the consent of the Treasury is required. I am sure this is the one aspect which the hon. Members have been referring to when saying that the Treasury is sitting on the consent. This matter is now being gone into. Mr. Speaker, hon. Members will recollect it was only yesterday when I said this matter was being discussed, and up to now the matter is still under discussion and we hope it will soon be finalized.

Mr. Speaker, the county council has to try and do its best to see all the services which they embark on are supported by the resources which they are able to muster. They cannot, Mr. Speaker, go round and make a lot of fuss about matters which they ought, legally, to look into on the spot.

I know, Mr. Speaker, Sir, the grants payable to the local authorities have been reduced. So far as South Nyanza is concerned, for 1968 it was £215,000; but this has been reduced to £199,000. This is true of all other local authorities.

Mr. Speaker, the matter is now being looked into and I hope something will be done to save the situation.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I only stand to support what the Assistant Minister has said.

If I were to try and find money when county councils go in default it would mean taxing people who are already properly taxed, who are honest and who pay their taxes. If a district refuses to pay tax, this is very unfortunate. My ambition has always been for the country to be taxed leniently, and just try and collect the money which we actually need. Whatever we can collect we should try and distribute evenly. I understand, as the Assistant Minister has just said, money has not been paid. Graduated personal tax is not being paid. I am glad to hear the school fees have done pretty well. They are only short of about £50,000, but that is quite a lot of money.

My feeling is that the Assistant Minister has definitely promised this question is being looked

into, and in looking into the question all the other things must play a part. It is in this way we could be looked upon as being fair.

Thank you very much, Mr. Speaker.

Mr. Kibuga: Mr. Speaker, Sir, I appreciate what the Assistant Minister has said, and also the Minister for Finance, that the South Nyanza County Council has to pay the graduated personal tax properly. I agree with this, but what we are now concerned with is the question of our teachers and the children. In the Teachers' Service Commission Bill, which has now become an Act, it was promised in giving the teachers one employer the purpose was to see the teachers were paid their monthly salaries at the right time. We now find that the teachers in South Nyanza have not been paid.

If the citizens of South Nyanza refuse to pay their graduated personal tax, then the people to be punished should not be the teachers but the people themselves, and not the children. I would suggest that instead of the Ministry of Local Government waiting until one county council is in difficulties, and then going to the Treasury to look for this money, there should be a ready fund whereby when it comes to the question of paying teachers, the teachers would be paid immediately and then the county council would be followed up. If the South Nyanza people refuse to pay their graduated personal tax properly, at the beginning of the year some of the services should be cut. Instead of refusing to pay the teachers some of the teachers should be transferred to other counties which are paying their teachers properly, or who are raising their taxes properly.

To leave the teachers and the children to suffer is very bad indeed. So far the Assistant Minister has not told us what will happen. The teachers are on a sit-down strike, and this is serious. The Minister and Assistant Minister have not told us what they are going to do about this. If they were to tell the people of South Nyanza that because they have failed to pay their graduated personal tax the teachers will be taken away, that would be a different position. The children of South Nyanza have to be educated.

In finishing, Mr. Speaker, Sir, I would appeal to the hon. Member who has raised this question, hon. Ngala-Abok, together with the other Members from South Nyanza, and all the councillors there, to go round the county area talking to the citizens and persuading them to pay their graduated personal tax properly. I would not like all the money to go to South Nyanza, but I would like some to come to Kirinyaga, and to other

Friday, 13th June 1969

The House met at Nine o'clock.

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 241

UTILIZATION OF NGATA FARM HOUSE

Mr. Kebaso asked the Minister of State to the President's Office if he would tell the House if the Minister would consider, at his earliest convenience, taking over the Ngata Farm House, at Njoro and turning it into a State Lodge.

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

The answer is, "No, Sir," the reason being that we have a State Lodge in Nakuru and there is no need to have another State Lodge there. Furthermore, Ngata Farm House is a private property and we cannot acquire the property of any individual and make it immediately a State Lodge.

Mr. Kebaso: Mr. Speaker, Sir, since that house contains 58 rooms and we, in Kenya, lack many schools for our children, will the Minister encourage African private companies, and assist them through the Agricultural Finance Corporation, to buy that farm and the house so that it can be turned into a college or technical college for school leavers?

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

Next question.

Question No. 226

TAKE-OVER OF BANYA HEALTH CENTRE

Mr. Godia asked the Minister for Health if he would tell the House if the Minister would take over Banya Health Centre which had been built by the people's own efforts so that this could be owned or aided by the Government.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, I beg to reply.

The administration of health centres is a local government responsibility and the hon. Member might like to raise this with the local authority concerned.

Mr. Godia: Mr. Speaker, Sir, since I have raised this matter with the local authority and since this local authority would wish to get a recommendation from the Government, would the Minister consider sending his blessing to this request?

Mr. Mboya: Mr. Speaker, Sir, it works exactly the other way round. If the local authority decides to take over the health centre but has no fund, it might ask Government for its assistance. Then, we might consider the matter.

QUESTIONS BY PRIVATE NOTICE

VICE-PRESIDENT'S SPEECH IN NAKURU TO TEACHERS AND PARENTS

Mr. Ondiek-Chillo: Mr. Speaker, Sir, I beg to ask the Vice-President and Minister for Home Affairs the following Question by Private Notice.

- (a) Is it true, as reported in the Press that the Vice-President Mr. arap Moi, on Sunday, 8th June 1969, at Afraha Stadium, Nakuru, told the people that teachers and members of boards of governors of schools should ensure that pupils were brought up as Kanu supporters?
- (b) If so, are teachers now free to talk politics in schools to pupils, and also to take an active part in politics?

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

The actual words stated by the Vice-President at the meeting were that teachers and members of the boards of governors of various schools should use their influence to ensure that pupils grow up to be good citizens, to be co-operative and that they should support the Government which is the ruling party, Kanu.

Mr. Ondiek-Chillo: Mr. Speaker, Sir, arising from that reply, do I understand from the Vice-President that he was misreported in the Press, and if that was so, why did he not actually refute the report, since it was reported that he told them that teachers and members of boards of governors should ensure that pupils are taught Kanu politics in the school?

Why did you not refute that?

Mr. arap Moi: Mr. Speaker, I normally do not want to refute what I have said. However, I said they must be good citizens, and to be good citizens they must follow, exactly, the policies of the Government in power. If anything contrary is taught, it is against that Government. Therefore, any sensible Government which is governing through the party, must see to it that the entire nation helps to build the nation, uses the words that Government uses, *Kanu ya njenga nchi*. If it does not, then, definitely, there must be something wrong.

Mr. Odinga: Mr. Speaker, Sir, I would like this to be made very clear by the Vice-President because he is making a very silly statement. I want

[Mr. Kibuga]

places; but now, since we have this problem, I think it should be the duty of the Government to do something for the teachers and the children. In future, they should have a definite plan laid down for all the county councils, so that where they fail to meet the services due to them, then the services should be taken away at the beginning of the year. Punishing teachers and children is wrong.

If the South Nyanza people refuse to pay their taxes properly, then perhaps some of the schools might close at the beginning of the year, and the

teachers transferred and the people would then have to send the children away from the county council.

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

ADJOURNMENT

The Speaker (Mr. Slade): Order! It is time now for the adjournment, and so the House is adjourned until tomorrow, Friday, 13th June, at 9 a.m.

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

[Mr. Odinga]

to know from him: does he take it that a person who belongs to the Opposition party is not a good citizen of this country?

Mr. arap Moi: Mr. Speaker, Sir, I am not saying that. I said they must be taught to be good citizens. I am not saying that some KPU members may not be good citizens; they may be good citizens. However, I am saying that we must be careful how we choose words. Supposing a teacher teaches in a school that we must free things, that we must have all those buildings free, that we must have free education, without knowing—

Mr. Sijeyo: On a point of order, Mr. Speaker, may I seek your guidance whether the Vice-President is right in saying that some people, especially the leaders of the Opposition want free things, and yet—

The Speaker (Mr. Slade): Order! Order! He has not said that. He has just been hypothetical as to what teachers might say.

Mr. arap Moi: Mr. Speaker, Sir, the hon. Member is a new Member and he should—

Mr. Speaker, Sir, I said "they may be", and the hon. Member should listen very carefully.

Supposing somebody teaches school children that we must have a Government which gives free things, definitely that is contrary to the policy of Government. This is the very thing which the Member is uttering now. Sir, one must have these things put up in the proper way. Therefore, Sir, that is why I said that children and people should see to it that people are brought up as good citizens. If the KPU would like to be brought up as good citizens, then that is a good thing, there is nothing wrong in that.

WITHDRAWAL OF A.S.K. SUPPORT FROM DISTRICT SHOWS

Mr. Godia: Mr. Speaker, Sir, I wish to ask the Minister for Agriculture the following Question by Private Notice.

Can the Minister tell the House the circumstances that led the Agricultural Society of Kenya to issue a statement declaring the withdrawal of its support from any showgrounds except Nakuru, Nairobi and Mombasa?

The Minister for Agriculture (Mr. McKenzie): Mr. Speaker, Sir, at the time of independence, the Agricultural Society of Kenya, which is a voluntary society of farmers, was asked by the Government to help and develop the aspect of holding shows in various parts of Kenya and also to help in mounting at least one show in each province.

Over and above this, we requested them to help in demonstration days and field days which is part of their job under their Articles of Association and Articles of their society. They responded extremely well to this request and, in fact, Mr. Speaker, have been the driving force behind a great number of not only provincial shows but also of district shows.

At the same time, in our opinion, wisely, they have reduced their membership subscription to Sh. 60 allowing more farmers to become members and allowing members to be able to attend all the shows wherever the shows may be held. But even so, Mr. Speaker, by this reduction, they have over-spent their finances.

Now, the Nairobi, Nakuru and Mombasa shows operate jointly between the three of them as a financial success. The money which the society had in reserve and also the profits from these shows had to be used in mounting these other shows. Part of the problem, in the early stages, was that not enough volunteers came forward to help in district and provincial shows. This, now, I am pleased to say has changed and we are getting a great number of volunteers coming forward. However, in the whole of this exercise has now put the Agricultural Society of Kenya into financial difficulties and, at this moment, they owe between £40,000 and £50,000.

At this stage, they have put up a proposition to Government and this proposition is being looked into both by my Ministry and the Treasury who help the society so that they will be able to continue to do the valuable work which they are doing for the country. I sincerely hope that the hon. Member who has asked this question will give support to the idea that Government should help the society financially.

Mr. Godia: Arising from the reply by the Minister, will the Minister consider, since many small-scale farmers would like to become members of the society, would it be possible for the Minister to consider lowering the membership fee from Sh. 60 to Sh. 30 in order to bring in very many small-scale farmer who want to be members of the society?

Mr. McKenzie: Mr. Speaker, Sir, I do not think that lowering the subscription will alter the financial plight of the agricultural society. However, Mr. Speaker, I know that the society are at this moment looking at an idea of membership at the district level at a very much lower figures than the figure of Sh. 30. But I would like to warn the hon. Members that this still does not solve the problem because the more members you have, the more money they have the more outlay they have to take care of those members. The facilities

[Mr. McKenzie]

which are given to members, costs the society, per year, more than the subscription; so, in fact, the more members you have the more money it costs to run the society because of certain facilities which are given to members. It is the intention of the society, with the support of Government, that we do not want to lower the level of the standard of any of these shows. I think Mr. Speaker, any hon. Members who are not members of the society should give consideration to joining.

I am sure that hon. Members who had the opportunity of visiting shows such as Kwale, Voi, Embu, Kisumu or any of the other shows other than the three major ones, will know that in no other country in Africa are there such shows spread all the way around the country.

Mr. Ochwada: Mr. Speaker, Sir, since the Government must have taken very serious consideration before requesting the society to assist in the organization of these shows in all provinces, what was the purpose for which the Government requested the society to assist? Is the Government satisfied that this purpose has been met? If not, apart from appealing to us to join the society, what else is the Government doing to assist the society to continue holding the shows in all provinces?

Mr. McKenzie: Mr. Speaker, Sir, obviously, the hon. Member must have come in after I had started answering the question, but for his benefit, Mr. Speaker, what I said was that we, as a Government, have judged the whole operation as highly successful. Any hon. Member who has been to these shows will see the value of these shows, and we, as a Government, have accepted that this is something that must stay. I also explained that a proposition has been put to us by the society and, at the present moment, this is being looked at and discussed jointly by the Treasury, Economic Planning and my own Ministry. I hope that the results of Government discussions with the Agricultural Society will help them over this problem, because as a policy we have accepted that these shows must continue.

Mr. Oduya: Mr. Speaker, Sir, taking into account the statement expressed by the Minister when he was opening the show at Nakuru, and also he has repeated just now, that the society is running short of money, and knowing very well that most of the people go to these shows, say, in Nairobi and elsewhere, and quite a lot of money is being raised, may we know from the Minister why the books of account of this society are not available for the members of the public

to inspect in order to know exactly how much is the expenditure and what is the total revenue, and what shortage there is and for what reasons?

Mr. McKenzie: Mr. Speaker, if the hon. Member wants to know the accounts of this society, there is one very simple way in which he can find it without worrying me, or worrying this House, or worrying anybody else, and that is by becoming a member of this society. Especially, as he represents an agricultural constituency, I would have thought that he would have been a member long ago. In fact, I am really surprised that he is not a member and I will see that in Monday's post he gets an enrolment form to become a member.

Mr. Odinga: Mr. Speaker, Sir, I would like to know from the Minister whether the Government does not consider that these shows are very important for the development of agriculture in this country and, as such, the Government should take immediate steps to subsidize even the societies when there are shortages because that will go a longer way to help the agriculture industry?

Mr. McKenzie: Mr. Speaker, Sir, I would like to thank the hon. Member for having put forward this suggestion; I agree with him, and I know that at times when I have been meeting him at Kisumu shows we have spoken about this value. I sincerely hope that if ever his party does come into power many years ahead he, himself, will continue to take the same view on behalf of agriculture.

NOTICE OF MOTION FOR THE ADJOURNMENT

MATTER OF REPLY TO QUESTION BY PRIVATE
NOTICE: A.S.K. SUPPORT OF DISTRICT SHOWS

Mr. Oduya: On a point of order, Mr. Speaker, in view of the fact that this question is very important and the Minister has not satisfied the House, I would like to raise this on adjournment with the permission of the Questioner.

The Speaker (Mr. Slade): Do you agree, Mr. Godia?

Mr. Godia: Yes, he has my permission, Mr. Speaker.

QUESTION BY PRIVATE NOTICE GOVERNMENT ASSISTANCE FOR MISSION HOSPITALS

Mr. Munyi: Mr. Speaker, Sir, I beg to ask the Minister for Health the following Question by Private Notice.

(a) Is the Minister aware that 16 rural church hospitals which give excellent services to the majority of patients in the countryside are

[Mr. Munyi]

likely to be crippled or closed down altogether unless additional financial support is given immediately?

- (b) What immediate financial action is the Government taking to assist these five Protestant and 11 Catholic Hospitals?

The Assistant Minister for Health (Mr. ole Konchellah): Mr. Speaker, Sir, I beg to reply. My Ministry has been informed of increasing financial difficulties being experienced by many church hospitals. We have also been notified that 16 of these hospitals, may have to be closed if additional financial support is not forthcoming within the near future.

(b) My Ministry has made special representation to the Treasury to raise this year's grant to the hospital vote to £120,000. This is considered the minimum financial support that should be provided by the Government.

Mr. Munyi: Mr. Speaker, Sir, arising from that answer, and arising from the fact that these hospitals namely Kaimosi, Maseno, Maua, Kakamega and Ravine—

The Speaker (Mr. Slade): We do not need the names, Mr. Munyi.

Mr. Munyi: Mr. Speaker, Sir, since the Assistant Minister is aware that all the Members of this important House are going to approve that amount of money, will the Assistant Minister tell us what financial precautionary action is the Ministry going to take to assist these hospitals before the Budget is brought to the House?

Mr. ole Konchellah: Mr. Speaker, I think that the hon. Member knows very well that these hospitals have been built a long time ago, very early, without the knowledge of the Government, except that they approved the applications for the hospitals which the missionaries said that they were going to build. These hospitals, for quite a long time, have been aided, but the aid which we have been giving to them is not enough. Therefore, since these hospitals were not under the Government, and when they were built, the Government did not commit itself. I have told the hon. Member that my Ministry is negotiating to get a bigger vote to bring the amount to £120,000 to enable these hospitals not to be closed.

Mr. Munyi: Mr. Speaker, Sir, for last two years the Ministry of Health has been considering ways and means of trying to take over the management of some of these hospitals. What progress has been made by the Ministry to see to it that a Bill is brought to this House after which, some

of the management of these hospitals will partly lie with the Government and partly with the missions concerned?

Mr. ole Konchellah: Mr. Speaker, Sir, the Ministry and the Government are willing to take over these hospitals, but they cannot take them all at once. I would like to inform the House that it is a long-term project and the Government is working out a way of how to take over these hospitals. On the other hand, if the hon. Member would also like to help— These hospitals, I believe, cannot run because there has been a lot of pressure for free medicine even in the missionary hospitals, but if they could be allowed to raise their fees when they treat people, then I am sure they will get more money to run the hospitals.

The Speaker (Mr. Slade): Next question.

NOTICE OF MOTION FOR THE ADJOURNMENT

MATTER OF REPLY TO QUESTION BY PRIVATE NOTICE: GOVERNMENT SUPPORT FOR MISSION HOSPITALS

Mr. Godia: On a point of order, Mr. Speaker, Sir, with the permission of the Questioner, this matter being very important, could I be allowed to raise this as a Motion on adjournment.

Mr. Munyi: I give 100 per cent support, Mr. Speaker, so that we shall give more information.

QUESTION BY PRIVATE NOTICE

THREATENED STRIKE BY MEMBERS OF THE KENYA DOMESTIC AND HOTEL WORKERS' UNION

Mr. Karungaru: Mr. Speaker, Sir, I beg to ask the Minister for Labour the following question by Private Notice.

What instantaneous action is the Ministry taking to avoid the general strike advocated by the Kenya Domestic and Hotel Workers' Union as a result of the Visa Oshwal School Management's refusal to negotiate with the union on behalf of its 60 members now on strike since 3rd June 1969?

The Assistant Minister for Labour (Mr. Oselu-Nyalick): Mr. Speaker, Sir, I beg to give the following reply. The Ministry of Labour is doing all it can to resolve the dispute between the Domestic and Hotel Workers' Union and Visa Oshwal's School's Management and if this materializes, then, automatically, the threatened strike will be averted.

It is true that for some time that Visa Oshwal School's Management has refused to recognize the Domestic and Hotel Workers' Union, but it is

[Mr. Oselu-Nyalick]

hoped that better counsel will prevail. If any strike takes place, it will be dealt with in accordance with the Trade Disputes Act.

Mr. Karungaru: Mr. Speaker, Sir, arising from that story, and having already known the intention of the Ministry, and as a result of the reply now before the House, is the Minister now helping the workers when a community like that shows a negative attitude towards the workers?

Mr. Oselu-Nyalick: Mr. Speaker, Sir, my Ministry is still trying to persuade the community to recognize the union, but as the Trade Union Act of 1965 does not allow for sympathy strikes, it is hoped that no such strike will take place.

Mr. Lubembe: Since the Assistant Minister has mentioned that any strike will be dealt with in accordance with the Trade Disputes Act, and since many schools in Kenya now have recognized the Domestic and Hotel Workers' Union, why is the Ministry not using section 20 of Trade Disputes Act to compel this school to recognize this union, since there is already a recognition agreement existing with the other schools and there is a law to compel this?

Mr. Oselu-Nyalick: Mr. Speaker, Sir, I have just said that my Ministry is doing all it can to see that this strike is averted. By that I mean, that there is no certainty of these people going on strike. The discussion is going on up to now about this.

Mr. Lubembe: Mr. Speaker, Sir, the statement tends to imply that the Minister of Labour can make an order to tell any industry, which is within another industry, which has recognized such a union— My question is, if there is such a law, why does the Ministry not use section 20, to compel these schools to recognize the union in accordance with the law? Why?

Mr. Oselu-Nyalick: Mr. Speaker, Sir, I have just said that my Ministry is doing all it can to see that these schools comply with the section the gentleman is telling us about. In other words, there is a dispute. If there is a dispute going on, then these people are negotiating with my Ministry and they are doing exactly what they are supposed to do, since they are complying with the regulations laid down under the Act.

Mr. Karungaru: Mr. Speaker, Sir, since the Government is here to protect the people in this country and in this case the Government has already now shown a negative attitude, since these people went on strike on 3rd June and today is 13th June, this was ten days ago. These

people are still on strike. Does it mean that the Ministry is also trying to discriminate against the workers as against the employers?

Mr. Oselu-Nyalick: It is a blank no, Sir.

The Speaker (Mr. Slade): Let us go on now.

Mr. Munyi: On a point of order, Mr. Speaker, Sir, under Standing Order No. 20, I would like to raise this matter as a matter of national importance because now, Mr. Speaker, workers are on strike and also the Ministry should have taken action, Mr. Speaker. I am sure that the hon. Members will agree that this, being a matter of national importance, should be discussed, Mr. Speaker.

The Speaker (Mr. Slade): There is no doubt that it is a definite matter and an urgent matter. However, as I said the other day, we can only use the procedure of adjourning under Standing Order 20 if we have no other adequate opportunity of discussion. We have had discussion of this question by Private Notice just now, and it does strike me that, whatever conflicting views there may be, there is not very much to be said on this. This being so, I do not think it is a proper case for me to allow the matter to be followed up on this same day, under Standing Order 20.

NOTICE OF MOTION FOR THE ADJOURNMENT

MATTER OF REPLY TO QUESTION BY PRIVATE
NOTICE: THREATENED STRIKE BY MEMBERS OF THE
DOMESTIC AND HOTEL WORKERS' UNION

Mr. Karungaru: On a point of order, since I am not satisfied in the reply which the Assistant Minister has given this morning, could I follow it in a Motion for the Adjournment?

The Speaker (Mr. Slade): Yes.

Mr. Lubembe: On a point of order, I am sorry that I do not see any possibility of helping this issue by pressing the Ministry to do something because the Motion for the Adjournment may not help. This strike is coming on Monday and since you have ruled, we have only discussed, and there is no way to press further. What could we do to get the Ministry to do something today?

The Speaker (Mr. Slade): I think you have done all you can do. This is why I do not think it worthwhile moving the Adjournment today.

QUESTION BY PRIVATE NOTICE KALENJIN AT BURNT FOREST SETTLEMENT SCHEME

The Speaker (Mr. Slade): Next question. Mr. Chemjor? Mr. Chemjor not here? Mr. Chemjor did inform me he did not wish to pursue this

[The Speaker]

question. I am not quite clear whether he does not want to pursue it at all, or whether he merely wanted it to be a question for oral reply. However, that we can ascertain from him.

The Assistant Minister for Lands and Settlement (Mr. Malinda): Mr. Speaker, Sir, Mr. Chemjor told me that he is willing to postpone this question until, may be, Wednesday next week, with your permission.

The Speaker (Mr. Slade): I do not quite understand that. If it is a question by Private Notice, it has to be answered within two days. If it has not got to be answered within these two days, I do not see why it should be a question by Private Notice any more. I think we had better have it treated, now, as an ordinary question for oral reply, and you can answer it within the 10 days if you particularly want to, Mr. Malinda.

The Assistant Minister for Lands and Settlement (Mr. Malinda): Yes.

NOTICES OF MOTIONS FOR THE ADJOURNMENT

RAIDS ON POKOT PEOPLE BY TURKANA

The Speaker (Mr. Slade): Hon. Members, as regards matters to be raised on the Adjournment next week, on Tuesday, 17th June, on the Adjournment, Mr. Kassa-Choon will pursue his Question No. 196 concerning frequent raids on Pokot tribesmen by armed Turkana and Ngoroko.

HOLDING OF ILLEGAL COURTS BY SUB-CHIEF

The Speaker (Mr. Slade): On Wednesday, 18th June, on the Adjournment, Mr. Munyasia will pursue his question by Private Notice concerning the alleged holding of illegal courts by a sub-chief.

POINT OF ORDER

OBJECTION TO PAPERS LAID—DEVELOPMENT ESTIMATES

Mr. G. G. Kariuki: On a point of order, Mr. Speaker, Sir, I rise to seek your guidance that yesterday, three important documents were laid on the Table of this House. I feel that some of these documents should be rewritten. What can a Member do to prevent these documents from being debated in this House until they are completely rewritten, especially this one, Development Estimates, because—

The Speaker (Mr. Slade): I cannot quite get your point, Mr. Kariuki. You are referring to the Estimate?

Mr. G. G. Kariuki: Mr. Speaker, I rise to ask for your guidance, that yesterday, three important documents were laid on the Table.

The Speaker (Mr. Slade): Order! I want to know what you are talking about.

Mr. G. G. Kariuki: Mr. Speaker, Sir, I am seeking your guidance whether a Member can object, or what procedure a Member can follow in order to object to these documents being debated in this House until they are properly written?

The Speaker (Mr. Slade): Order! What documents are these?

Mr. G. G. Kariuki: The documents are: Economic Survey, Recurrent Expenditure, 1969/70 and the other one is Development Estimate 1970.

An hon. Member: What is wrong?

The Speaker (Mr. Slade): Order! What is that you want? I have not got it clear, I am afraid.

Mr. G. G. Kariuki: I am objecting to these documents being allowed to be debated in this House until they have been rewritten.

An hon. Member: What is wrong?

Mr. G. G. Kariuki: There are some mistakes. These documents tend to show that money is going to be spent on one particular area while other areas are neglected.

The Speaker (Mr. Slade): I still find it very hard to understand, Mr. Kariuki. These Estimates will be debated. They have to be laid on the Table before they are debated. I do not follow the point, I am afraid.

Mr. G. G. Kariuki: Mr. Speaker, I think there—

The Speaker (Mr. Slade): I find it hard to understand the point.

Mr. G. G. Kariuki: Mr. Speaker, Sir, my point is, now that some Members of this House are not happy with these documents—Development Estimates—is there any way that a Member can object to these documents being debated in this House before further consultation?

The Speaker (Mr. Slade): You want to prevent the debate on these Estimates?

Mr. G. G. Kariuki: Yes.

The Speaker (Mr. Slade): No. There is no way of preventing the debate on the Estimates. I am rather surprised at the suggestion. If you do not like them, the thing is to debate them.

Mr. Lawi: On a point of order, my point of order is this, Mr. Speaker, last Friday we had hon. Godia's Motion which we left unfinished and referring to the Order Paper, I see it is Order No. 6 while it should be Order No. 5 because the Motion by Okelo-Odongo—

The Speaker (Mr. Slade): This is because today is the day on which Opposition Group Motions take precedence.

MOTION

REPEAL OF THE OUTLYING DISTRICTS AND SPECIAL DISTRICTS ACTS

Mr. Okelo-Odongo: Mr. Speaker, Sir, I beg to move the following Motion:—

THAT, in view of the fact that colonial rules as contained in Kenya Statute Books, Chapter 104, namely the Outlying Districts Act and the Special Districts (Administration) Act with amendments thereto hinder freedom of political organizations throughout the country as provided by the Republic Constitution; this House urges the Government to repeal these laws in as far as they affect the movement of party officials and agents.

Mr. Speaker, Sir, I do not know how many people realize in Kenya today that in the independent Kenya almost half of the 42 districts that we have are closed districts. Closed districts mean that those districts are not supposed to be visited by Kenyans coming from other districts without permits. Mr. Speaker, Sir, I do not know even how many people realize that places, for instance, like Kitui, Embu, Meru, Nyeri, Fort Hall and even Kiambu are supposed to be closed districts, which should not be visited or cannot be visited by other Kenyans without having permits from the administration officers.

Mr. Speaker, Sir, of course, people have been to these places and nothing has happened, but the thing is that they do not know. When one goes to Kiambu or goes to Fort Hall, what one does not know is that one is committing an offence and that one is likely to be punished by the Government, and also likely to be thrown out by the administrative officers.

Mr. Speaker, Sir, this happened in some places about two years ago. A foreign journalist was arrested in Baringo and was fined and I remember at one time in Meru town, one night, a raid was made in one of the important hotels there and several citizens of the country were inconveniently taken into custody because they were in Meru without permits. Mr. Speaker, Sir, we people who have visited these places have suffered a lot of these inconveniences. I remember also that the hon. Member, Mr. Omweri, when he was moving a Motion in this House, which was similar to this one, cited certain incidents where people pursuing lost cattle or things like

that, had to stop at the neighbouring boundary just because the district happened to be closed. Mr. Speaker, Sir, the closed districts, if the Members would like to know, are Turkana, Wajir, Mandera, Marsabit, Isiolo, Meru, Embu, Kiambu, Fort Hall, Nyeri, Narok, Kajiado, Kitui, West Pokot, Elgeyo-Marakwet, Baringo, Laikipia (what used to be called Nanyuki) and Tana River. Mr. Speaker, Sir, there is a long list of Kenya districts which are still supposed to be closed districts under the Acts which I have just mentioned.

Mr. Speaker, Sir, these districts, in our minds, maybe, are considered as untouchable districts among the other districts of Kenya because many of them are considered, or some of them are considered, to be backward districts and, therefore, must be restricted from being visited by people from other districts. Some of the districts, of course, are considered—especially those that were declared closed during the emergency—to be infested with criminals and evil men and other people from other districts were not encouraged to go to these districts because it was thought that they would be contaminated and become bad people if they visited the areas.

Mr. Speaker, Sir, the most ironical fact is that, both the President and the Vice-President of the Republic come from closed districts. It would appear that it is a mistake to have these gentlemen in our midst because their districts are closed and they are supposed to be untouchables. I know that there are people in this country who still support these laws, and who still maintain that these laws that affect closed districts should be supported. I think they do it for different reasons. Firstly, there is a group that think that these districts have got handsome people, handsome Masai *Morans* and Samburu *Morans*, who should not be spoilt; they have a romantic view that these people should be left like that. As a matter of fact, Mr. Speaker, what they are recommending is some kind of a human zoo.

Hon. Members: Shame.

Mr. Okelo-Odongo: It would be a shame for people in Kenya to support anything like that because the Masai, Samburu and anybody else, are just as much Kenya citizens as anybody else in the country. I think that I agree, in this case, entirely with President Nyerere who has said that the Masai people should be made to wear trousers. The world is changing and we cannot stick to old traditions, whether we like it or not. If anybody is a friend of the Masai or the Samburu, he would support that they should

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catch up with the rest of the Kenya people and develop because otherwise they stand open to exploitation in a very short time.

Therefore, Mr. Speaker, Sir, these laws try to keep these areas as zoos so that tourists and other people can come and see how the Masai look, and so forth, with their bodies smeared with red ochre and things like that. These are nice things, of course, but I do not think they should be forced to be kept there because things go on changing, and the Masai too must change. These things can be kept for ceremonial purposes but not for every-day wear.

Now, Mr. Speaker, Sir, some other people are concerned about these laws for the good reason of protection. I believe that many of the Members who come from these areas, in Nairobi, in this House and in the country, say that these areas should be protected, otherwise maybe some clever people will go there and buy all the land. This is what the Attorney-General, himself, said when he was answering this Motion, that if these districts were opened, then some clever people could go there and buy all the land. This was also the concern which was expressed by the hon. Member, ole Oloitipitip: that these places must remain closed because otherwise the unscrupulous people would go there and buy all the land and the Masai people should be allowed to come up so that they catch up with the rest of the people.

Mr. ole Lemein: On a point of order, Mr. Speaker, I am seeking your guidance. Is the hon. Member talking about Masai land or Masai people, or is he speaking about the Motion on outlying districts, because he is now speaking about the Masai only?

The Speaker (Mr. Slade): The hon. Member is, at present, speaking only about the Masai, but it is relevant, I think, to the question of outlying districts.

Mr. Okelo-Odongo: Mr. Speaker, Sir, the reason why I mention Masai is because it was mainly the Masai in this House who strongly objected to Omweri's Motion which wanted this law to be repealed. This is why I referred to that. I was speaking to one of the hon. Members yesterday from one of these outlying districts and he told me that he did not want this law to be repealed because he was afraid that people coming from other places, and especially the Kikuyus, would go there and flood the whole area. This, I think, is the main fear in people's minds about this, and this was also the thing that was expressed by the Attorney-General himself.

Now, Mr. Speaker, Sir, when one reads the Motion that we have moved, one will see that we are not interested in taking the land away from the Masai, the Samburu, the Turkana, or from any person, and all we are saying here—and this is what the Motion mentions particularly—is that we want freedom of political movement in these areas. Our Constitution clearly says that there will be freedom of movement and there will be freedom of association, and we have accepted in this country a Parliamentary democracy where we have two parties and one would think, logically, that in order for us to be able to organize our political parties there must be freedom of movement throughout the country.

Mr. Speaker, Sir, I have mentioned nearly half of the districts which, at the moment, are considered closed districts. If we are going to have General Elections, for instance like we are going to have soon, and if the KPU Party is not allowed to organize in these districts, then whatever comes out of the results of the election would be unfair and would be some kind of swindle by the ruling party because they would not have allowed the Opposition to function freely in these districts.

Mr. Speaker, Sir, I remember when we were trying to organize for the county council elections which took place last year, we found out—myself and my hon. friend here, Mr. Sijeyo—that when we tried to go to Turkana, to Baringo, to other places—we were stopped from going to Turkana, and we were also stopped from going to Baringo; we were not allowed to visit West Pokot, and we were not allowed to visit Elgeyo-Marakwet. We were stopped from going to Kajjado, Narok, Isiolo and all the other places. If the same thing were to be repeated before the General Election, it would amount to political corruption because it would be that Kanu was allowed to organize in these large areas while the KPU were not allowed to visit those areas.

Mr. Speaker, Sir, these are facts that are there, and if the Kanu Government is really sincere in protecting Parliamentary democracy in this country, then this is one of the things that must be rectified. As I have made it clear, Mr. Speaker, Sir, we are not moving a Motion here that people should be allowed to go and settle in these areas, or that they should be allowed to go and open dukas and shops in these areas; all we are saying is that for the purposes of democracy, and for the purpose of allowing the parties to organize freely in the country, as provided by the Constitution, there must be freedom of movement, and particularly for the party officials. Unless this is done, then whatever will be done will be corruption and swindle. I do hope that the Government

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will see the importance of this and take action. I do believe that the hon. Members in this House will also see the importance of this and support this Motion, because I think it is a dark thing in our laws and we must get rid of it.

We all know, Mr. Speaker, that we are here by the virtue of being in Parliament and this is a very important institution for our country, and we do know how we need to progress. We also know that it is very important that there must be peace and harmony in the country so that we can get this progress that we want for our people. Unless there is peace, and unless we can work together, we shall not be able to improve the standard of living of our people. We did not come here just to sit; we came here as leaders to see that we protect those institutions that are necessary for our people's progress. Parliamentary democracy is one of these institutions which this country has accepted, and which we are dedicated to maintain.

Mr. Speaker, Sir, I know that people never learn from experience, but if you just look over the borders of Kenya you will see that there is a big war going on now in Nigeria. The thing that caused that war, and the reason why so many people have been killed there, is merely because the people who were elected to power did not work to establish those institutions that would encourage peace: things like political justice and political freedom. I think that we would be failing in our responsibility if this point was not taken seriously, and if the Members in this House did not use their position here to make sure that this kind of thing is preserved, and to make sure that the Parliamentary democracy that we are working on is secure and that we establish an atmosphere where we can go on living together and working together.

Mr. Speaker, Sir, a very unfortunate thing has happened in this country; and that is that although we have had independence for nearly six years, because of divide and rule, you still find that we have not established one harmonious nation; we have not established one homogeneous nation because everybody is suspicious of everybody else. Even if you take it amongst us the Africans, you find that tribalism is still encouraged, and you find that one member of one tribe is never at home in a group of members of another tribe. If they are in the same country, how is this going to help?

Mr. Speaker, Sir, if we are going to live as a nation, not only are we going to mix with the Europeans and the Asians who have made this country their country, but we Africans must also

give an example of living together. The Africans are trying to blame the Europeans and blame the Asians, when they themselves are unable to live together. I understand that the fear here is what I said before, that some people are afraid. A friend of mine was telling me yesterday that if you open the districts there will be an influx of Kikuyus who will take all the land. However, when I talked to a second man he told me that, in any case, the Kikuyus are there anyway, and he told me if you go to Kajiado, if you go to Narok, if you go to Isiolo, if you go to Lodwar, you will find that the *dukas* are all being run by the Kikuyus or the Merus. Therefore, that protection is not even there.

Therefore, Mr. Speaker, Sir, in the work to develop our country economically, politically and socially, we must start with these laws and we must remove these laws that declare certain districts closed. I remember one time we went to organize efforts in Meru and we were given three hours to leave the town and we were Members of Parliament, and we were in Kenya, one country, and it was most strange. Yet, you can go to Tanzania and you can go to Uganda and no one asks you to leave there within any period of time; you can stay there as long as you like; but if you go to a part of Kenya, you are told you must get out. This is a big shame and it is in the way of our development and it is in the way of our creating friendship amongst ourselves and getting to know each other. We should go to Mandera and know how the people there live. We should be able to visit Lodwar freely to know how our friends the Turkanas live, and we should be able to go through the whole of Masailand and see how the Masai live, and to Tana River and to Lamu. We should see the kind of life they are living and then we can consider ourselves as one people and one nation. If we keep these things separate, as we have done, Mr. Speaker, Sir, we will not be doing any work. I hope that the Government will see the need for this and, without any further delay, repeal these laws.

In any case, Sir, in the coming General Elections we, on this side of the House, are not going to consider these elections as fair if our officials and our agents are not going to be allowed to visit these areas freely. Mr. Speaker, Sir, our agents must go to these places, and unless that is done we are not going to consider these elections as fair and we want the country to know that, because in the other way it cannot work. We must be allowed to visit these places.

When the Attorney-General was answering this Motion, he did not say that there was any difficulty. All the Attorney-General said was that

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they would continue to examine the necessity for the continuance of this law. How long are they going to continue to examine this necessity? This Motion was moved about two years' ago and by now the Government ought to have done something about these laws. If it is necessary to protect the people from economical exploitation or from land exploitation—there cannot be any political exploitation, only economical exploitation—then they should make such laws and such regulations not to allow Kikuyus to get permits to trade in Lodwar and these other places, and not allow any person that they do not want to get a permit. They should make it difficult for such a person to get a permit to go to these areas. However, to these things in our legislation is a big mistake. I think, Mr. Speaker, that the matter is very clear and our position here is very clear. We are demanding this because some of this legislation is as old as 1902, when the first move was to separate these places. As the reasons for this are some of the things that we cannot support, like having human zoos, which is really out of date, an anachronism in our society, we must get rid of this law. Mr. Speaker, since it is our purpose to uphold democracy and to have peace in this country, we must get rid of this law so that there is peace and progress for the nation of Kenya.

Mr. Sijeyo: Mr. Speaker, Sir, I am very pleased to be able to second the Motion.

I have been in Rift Valley and from experience I have learned that in the so-called closed districts there is nothing being done by this independent Government of Kenya. During the colonial days, before independence was achieved, we used to get permits very easily to enter these closed districts, for example, Baringo and Kabarnet. When I was in the Rift Valley, in Nakuru, we used to operate in all parts of the Rift Valley without any difficulties.

I remember that in 1966, when I was a candidate for Nakuru, I went to Mogotio where my voters were registered. I had to make arrangements for polling day. I was put in custody by the administration officer there and I was accused of being there, entering a closed district. Yet my voters were there. The purpose for this was to hinder my party from succeeding, it was to hinder the voters, my voters from voting me in.

Mr. Speaker, if the Government of today is here to plan to undermine other Members of Parliament, or to undermine the registered party, KPU, from operating in this country, this should be made known to the world. The world should note that the Kenya Government, the Kenya

independent Government, is doing worse things than the colonialist government was doing in this country. Mr. Speaker, I was sent to court and, although it takes quite a long time, about six months, to be tried in the Nakuru court, no evidence was brought against me and later on I was released. However, when I tried to go to that closed district again, I and the others who were with me found that the gates were completely closed and here were askaris guarding the place of entry. We were asked to produce permits to enter.

As Mr. Tom Okelo-Odongo has mentioned here, we went to Samburu and that was all right. However, when we started our journey to the Vice-President's home, we found that the Vice-President had gone around threatening people and asking where we were and where we had visited. So some people were transferred from some places to other places when they were charged as people who had had KPU members in the area, who had helped to organize KPU in the area. Some of them were our brothers from home. We were debarred from visiting our brothers and friends in those parts of the country. If this is to continue in our country, it seems as if the Kanu Government is the worst type of colonial government in the country and in Africa as a whole. We have never heard of any country in the African continent where you find that they are independent and yet there are certain areas called Closed Districts. This is shameful and, as my friend has said, it seems as if this has been kept for the American Peace Corps and the British Peace Corps to come and photograph, to take pictures of our people and send them abroad so that these pictures can be shown in the cinemas. They want to show that these are the people ruling Kenya, these are the naked people ruling an independent nation.

I have never heard of such a thing as the President's area being a closed district. I am sure I will be caught if I go there to visit my friend Mr. Koinange or Waira Kamau. They are Kanu but because we were together during the colonial days, when we were suffering and fighting for independence, I have to visit them. I am surprised to find that our leaders, the President and the Vice-President live in closed districts. That is why they are afraid even to visit Nyanza which is part of the country they are ruling. They are afraid of visiting Nyanza because they think there might be witchdoctors there who will put a spell on them or undermine them in any other way. It is high time that the President and Vice-President of this Republic set the example that will show the people that we are a united Kenya, that we

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have one Government, that we have people who form one nation to live and work together in unity. There is no point having certain people who are denied their rights.

Mr. Speaker, these people in the closed district— When I went to Samburu I saw some things. Mr. Speaker, we have to show our people how to move with the wind of change. In Samburu we saw the carcasses of people being dragged away by hyenas. If we still have such things taking place, then when visitors come here, they take photographs of these things and send them abroad to show that these are the areas where the hon. Mr. Ngala comes from, or the areas the hon. Mr. arap Moi comes from. They take pictures to show the Rift Valley where Vice-President comes from, pictures to show where the President comes from.

For these reasons I am sure the Attorney-General will take the initiative to see that this law is repealed immediately so that we can find a way in which to organize our party. Kanu says, in the Press and on the radio, that they are the supreme party. If that is so, why can they not allow us to move all over the country and organize ourselves? We have people in Masailand who come and visit us at our place, elders, in big groups, who come to Kisumu to visit the President of our party; there are many people from Lodwar who come from their part of the country to visit our party's President. They want to be organized and know what is going on in the country.

Mr. Speaker, it seems as if Kanu is pretending to be a national party while it is not. It is operating through the radio and the Press and even ordering the Press to put out what they do not want to be known.

Mr. Mate: On a point of order, Mr. Speaker, I was wondering whether Kanu are pretending? Is the hon. Member in order to talk about Kanu pretending?

The Speaker (Mr. Slade): I am sorry I did not hear you.

Mr. Mate: Mr. Speaker, I was wondering whether it was in order for the new hon. Member of Parliament to say that Kanu is pretending? I may be out of order, Mr. Speaker.

The Seaker (Mr. Slade): I am sorry, I cannot get the point, but I do think the hon. Member is in order.

Mr. Sijeyo: Mr. Speaker, the hon. Member is trying to waste my time for nothing. I am sure that he would not like to see that the law in-

cluded his area. In view of that, I am sure he will support this Motion in order to enable the Attorney-General to repeal the existing law.

Mr. Speaker, Sir, we want to be free in our country. Once again we are telling the Attorney-General that if this law is not repealed, then the forthcoming General Elections will not be recognized by our party. If he is not going to repeal the law, then he should allow our people to move about freely in that part of the country.

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

(Question proposed)

The Minister for Co-operatives and Social Services (Mr. Ngala): Mr. Speaker, Sir, I am sure my colleague will reply on behalf of the Government, but I would like to say a few words on this Motion.

As the Motion stands now, it is very difficult for Government to accept it. As worded, the Motion is in the interest of only one political organization without any regard to the interest of the people in the country. If these districts are to be free for entry generally, then we should consider giving a chance to all the people, not only political leaders and their agents. If there is any good reason for opening the districts, then they should be opened to all. So for the hon. Members of the KPU to ask the Government to open these areas for them only is selfishness. If the KPU party has followers in Samburu, Kajiado or Isiolo, why can the people there, the indigenous people of the area, not organize things? Why is it necessary to plan, to send agents there? It should be possible for the people of that area, if they love you so much, to organize themselves. Mr. Speaker, I understand they are not loved too much there. However, the point I wanted to make is that it is selfishness to put forward a Motion of this nature which is only asking for politicians or their agents to be allowed to visit these closed districts, for these special people to be allowed to come from other areas to these specific districts. If we are really speaking in the interests of the country, we should ask the Government to review the position in the interest of everybody—all the people who go there. The Mover, my good friend, suggests that the idea is to create one nation and oneness—you do not create oneness, unity and harmony, just by allowing a few KPU officers and a few KPU agents to go to that place. This has not satisfied them at all and I think it would be very difficult for Government to accept a Motion which is intended just for political campaign purposes.

An hon. Member: Who told you?

The Minister for Co-operatives and Social Services (Mr. Ngala): I see it, and I do not need to be told. Mr. Speaker, Sir, the other point I would like to make is that the Motion, as it stands now, defeats its own purposes. It is not asking for everybody, the nation as whole and Members of different areas and districts to be given a chance to go into those areas. It is only asking for the Members of the political party and their agents to be allowed to go there. I do not see the reason why agents should go there if people there do not like them. They will be beaten and will wish that the whole area was closed for their own security.

The Speaker (Mr. Slade): Are you addressing the Chair, Mr. Ngala?

The Minister for Co-operatives and Social Services (Mr. Ngala): Mr. Speaker, Sir, I am trying to tell the Opposition that it is for their own interest and security—

The Speaker (Mr. Slade): You should do it in the third person, then.

The Minister for Co-operatives and Social Services (Mr. Ngala): If Government was careless enough as to leave these areas wide open, and these people go there without the knowledge of the Government—we have just heard an hon. Member saying that some of them would be circumcised. How do we know whether they are going to be circumcised or not? The Government must look at the interest and, therefore, must be very careful for security reasons.

Mr. Speaker, Sir, I would like also to say that we are not contravening the Constitution by this Act because the Constitution allows movements of people within the country because we do give permits. I, myself was a Leader of an Opposition and I used to go to these areas and preached my policies as much as possible in those areas by just getting a permit from the Government so that the Government knew where I was for my own security. I did this for my own security. Mr. Speaker, Sir, hon. Members will understand that this Motion is worded insufficiently, inadequately and very selfishly for political reasons only. The people in Masailand are very happy without the KPU. The people in Samburu, we hear are very happy without the KPU, and people in other places—Kilifi is not a closed district and people there are very happy; but even though it is not closed, if you come there, *utapata cha metema kuri*.

Mr. Speaker, Sir, with these few words I beg to caution that the Motion is very badly worded.

Mr. Omweri: Mr. Speaker, Sir, this Motion, as the hon. speaker who has just sat down has said, is very selfishly worded. I would like, first of all,

to say that the contents and intentions, as far as it effects the citizens of this country are most welcome because, Mr. Speaker, Sir, the inconveniences travellers from other areas in the country suffer are so great that they demand the repeal of these two particular laws. Mr. Speaker, Sir, I have asked a question in this House regarding these outlying districts; and in addition I have had a Motion in this House on this question. Still no promise for repeal of this law has been given and we have not been told how many reviews have been there and the position at present. Mr. Speaker, we would like that, rather than wait for these promises of reviews as the hon. Minister has said, which will never materialize. It is high time this House felt that it is proper that laws, which have no meaning, should be repealed, because if they were brought up to date, Mr. Speaker, Sir, then we would be able to have one country with one law. Mr. Speaker, Sir, the way the laws are administered, sometimes is very discriminatory because you will find that when travellers from outlying districts move to other districts they are treated in a different way from the way you would be treated if you moved to the same district. Why should it be so when we are all Kenyans? Why should I be required to have a permit if I want to go to Kajiado, when a man from Kajiado needs no permit to come to Nairobi? This is the question, Mr. Speaker, Sir, my own feelings are that we would rather make this Motion to affect the entire population rather than it is worded here. Therefore, I want to speak on an amendment which I feel will embrace every citizen. My own amendment will suggest that in the fourth line we should delete the words "political organization" and in the place thereof we insert the words "freedom of movement", and in the last line, we delete all the words after the word "of" that is "party official and agents"—because we are not talking about party agents but about the citizens of the country—and in the place thereof we insert the word "citizens".

Mr. Speaker, Sir, this would mean that the Motion would be in the interests of the country. Mr. Speaker, Sir, in this way it will conform with the word referred there as "Republic Constitution" because this Constitution affects the entire population—not only party organizations and party agents. We feel that it is high time we thought in a wider way than the KPU think. Mr. Speaker, Sir, I feel that we should think more broadly and talk as representatives of our people, who want the administration of this law to be repealed so that they can enjoy themselves on what they are now missing. Mr. Speaker, Sir, I think hon. Members of this House feel that we are failing the districts which are now closed. I

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do not know why and by whom these people were taught that if the districts are closed, then they are at peace. What we see even today are cattle-raids, cattle thieving which is continuing. The other day we saw border clashes. All these things are aggravated because of these restrictions of movement. If you try to restrict anybody— If you try to restrict anybody's movement, you create curiosity, and therefore anxiety exists for those who are restricted, and they are likely to feel that there must be something else they would like to go and see. So, rather than create these anxieties and ill-feelings, it is high time Government thought at once, after all, Kanu advocated oneness and, therefore, we should feel that we are one country, rather than segregate ourselves and create unnecessary boundaries, which at the moment are inconveniencing everybody.

Mr. Speaker, Sir, the Minister for Co-operatives and Social Services said something about exploitation. It is actually, putting this into the minds of people who do not even know what that means. Nobody is going to mind about, say, Kajiado or Narok Districts, and take away their cattle, or deprive them of their land. Mr. Speaker, if these districts are open, it will only mean that these people will be educationally advanced, and commercially, and this is why we support the idea of repealing these laws.

I think the Attorney-General should consider bringing amendments so that these laws are amended, and this will indicate that the review is there and constant; but the review which is negative, and through which no action is taken, shows that nobody is interested in seeing these laws amended. Therefore, my own suggestion is that we should now agree with the Motion as I have amended it, so that our country remains one, and the treatment which each citizen receives in the administration is the same, rather than have these various treatments where you are so much inconvenienced.

Mr. Speaker, Sir, one experience I have, which looked very nasty, was that, the other day the Minister for Defence flew somewhere in Turkana, and he was saying that we want to make Turkana a big tourist attraction centre. How are you going to subject tourists to come here from Nairobi? It would be quite cumbersome. We would think if you want to make attraction centres in these closed districts—the best way is to open the district fast, so that each district has free movement, but you cannot have them closed and then when a tourist wants to go to this attraction, he queues up with the citizens who want to get permits to go to these areas.

My own experience has been, when I wanted to go to Kapenguria, that I had to wait at Kitale, at the district officer's office, for two hours, and at the end I put it off until the following day. Being a Member of Parliament, imagine what other people are subjected to, sometimes weeks. It must be put to our own Members of this House, including the hon. Members who come from closed districts, that the question of fear being infiltrated into their minds, that they would be exploited, is the wrong idea, and it is high time they came up and we fought together. If it is a problem, we should bring it here so that we fight it openly and see what we can do; but you cannot say that you are going to be exploited, and you should not support the idea of oneness, while at the same time you are told that Kanu stands for unity. What unity, if you are making other people fear the others? We should not fear any person in this country, or the question of land exploitation, Mr. Speaker. The hon. Members must know that even if you restrict the Kikuyus, they are already settled in Kajiado, and they are even owning shops in Narok. It seems that this law is only affecting other tribes, but not the Kikuyus.

Mr. Speaker, Sir, I beg to move the amendment.

The Speaker (Mr. Slade): Mr. Kipury, you second the amendment?

Mr. ole Kipury: Mr. Karungaru.

Mr. Karungaru: Mr. Speaker, Sir, this morning a Motion has been moved in this House, and has been taken by this House as a party Motion, and, fortunately, a very wise hon. Member from the Government side has just managed to amend the Motion, so that the Motion benefits the nation, and not a political party. Mr. Speaker, I have been listening when the Mover was moving the Motion, but I failed to understand why he worded the Motion in such a way that it was only going to benefit the KPU officials and agents. Here, Mr. Speaker, Sir, is where we fail to understand where the KPU is heading to, because when KPU talks, it talks about itself. You should talk about the nation, rather than talk about yourself. This is a big lesson, Mr. Speaker, for the nation, because KPU has already shown that it is not for the nation but for the diversity of tribes, and we do not believe that such an organization should exist.

Mr. Speaker, the reason why I am seconding the amendment of the Motion, by hon. Omweri, is this: if Government has allowed the tourists from abroad to come into this country, I think the Government has one fault in this one. That is, these people come here so that they can show other people how they live in their own country. I always hear it said in this House that the

[Mr. Karungaru]

Kikuyu people are dominating everything. I do not speak for the Kikuyu people because I am not qualified. I am not representing the Kikuyu people in any way. I am a Member representing an urban area, and I have no concern with the Kikuyu people at all: but here, Mr. Speaker, is a challenge. If some of the hon. Members who are now going to oppose this Motion do not see the danger, one day they will realize it. They always say that Kikuyu people are highly educated, rich, and that and that, but they fail to understand where the Kikuyu people learnt all this knowledge. Where did the Kikuyu people get this knowledge? The knowledge is within you people; but if you do not want to use it, it is up to you.

Mr. Speaker, Sir, I understand from the Members who represent the rural areas, particularly the very remote areas, that they are going to oppose this Motion. It is to their own disadvantage if they oppose this Motion because they will never benefit from the tribes who have advanced. If you are Masai, you will be displaying whatever you are displaying there, and you do not want people from Kenya to know, but you would like to see people from Britain, Russia, and people from America to see what you are, and you do not want us to see what you are, so that we may treat you properly—

The Speaker (Mr. Slade): Mr. Karungaru, are you addressing the Chair?

Mr. Karungaru: Yes, Sir.

The Speaker (Mr. Slade): What is all this “you”? Is it me?

Mr. Karungaru: Thank you, Mr. Speaker, I am addressing the Chair.

Mr. Speaker, I am supporting the amendment of this Motion because I feel that we in this House have a duty, and we have to decide about it. The duty is to teach those who are not of our standard, and there is no other way of teaching these people if we do not have a free movement, to move around the country, talk with people and show them what they do not know so that they may also catch up. If we are not going to do this, then we will be failing in calling the spirit of *Harambee*, because the spirit of *Harambee* means togetherness. How can we get together with these people if they want to live in isolated districts of their own which they do not want other people to visit?

I would have opposed this Motion if it had not been amended; but since it has been amended, I am strongly supporting it, Mr. Speaker, Sir.

With these few remarks, Mr. Speaker, I beg to second the amendment.

(Question of the first part of the amendment, that the words to be left out be left out, proposed)

The Speaker (Mr. Slade): We will combine debate on that with the debate on the main question.

Mr. ole Kipury: Mr. Speaker, I am rising to oppose the original Motion as well as the amended Motion.

Mr. Speaker, Sir, arising from what the hon. Mover of the Motion said, in the first place he said he wanted to come into Masailand because he is more civilized and that he wants to teach the Masai how to wear clothes, just like the Tanzanian Government did. I wonder whether he can really advise the Masai on how to wear clothes before he teaches the Luos themselves. Only the educated Luos are wearing clothes, but I have been to Kisumu and I have been to the interior part of their country and have seen quite a number, thousands and thousands of Luos, walking naked. This man has never even convinced his own people on the necessity of wearing clothes.

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

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

Mr. Ondiek-Chillo: You are lying. On a point of order, is the hon. Member not actually misleading the House in saying that the Luo people walk naked? If I take him there tomorrow we shall meet none. Is he not actually misleading the House? Is it right for an hon. Member like himself to mislead the House with such a statement?

The Deputy Speaker (Dr. De Souza): It is not a question that one can substantiate because I do not think anybody can go around checking up, but it is a matter of opinion and I am sure you will correct him if he is wrong. You are not allowed to say, Mr. Chillo, that, “You are lying”, that is quite out of order and you must withdraw it. Please withdraw the words “You are lying”.

Mr. Ondiek-Chillo: I withdraw that the Luo people are walking naked; that I withdraw.

The Deputy Speaker (Dr. De Souza): Order! Mr. Chillo—

Mr. Ondiek-Chillo: I withdraw.

The Deputy Speaker (Dr. De Souza): You do withdraw, unconditionally?

Mr. Ondiek-Chillo: I will give him time to refute that.

The Deputy Speaker (Dr. De Souza): Unconditionally?

Mr. Ondiek-Chillo: Pardon?

The Deputy Speaker (Dr. De Souza): You withdraw unconditionally?

Mr. Ondiek-Chillo: I withdraw—

The Deputy Speaker (Dr. De Souza): Unconditionally?

Mr. Ondiek-Chillo: —according to your instructions.

Mr. Kago: On a point of order, Mr. Deputy Speaker, is it not sufficient substantiation that what my friend has alleged is true because even the hon. Member is not properly dressed?

The Deputy Speaker (Dr. De Souza): Order! Mr. Kago, do not do that again or I will send you out of the House. You are not going to be allowed to try to be funny at the expense of Standing Orders.

We will proceed with the debate. Any other points of order?

Mr. Okelo-Odongo: On a point of order, Sir, I think that the hon. Member is misrepresenting me because I did not say that my idea was to go to Masailand to teach them how to wear clothes; I only expressed an opinion that one should support that they should wear clothes.

The Deputy Speaker (Dr. De Souza): You can always correct him, as to what you said, when you are replying.

Mr. ole Kipury: That was one of the reasons why the hon. Mover of the Motion wanted to come to Masai, because the Masai are, as he alleges, walking naked, and I am objecting to this.

Mr. Deputy Speaker, I must thank the Government very, very much indeed for the wisdom it has had in preserving these laws up to this moment. It is because of this wisdom that the country is now stable. There are thousands and thousands of people from other tribes living in Masailand, living in these so-called isolated districts. There are many of them and there is no trouble whatsoever and nobody has created trouble against them. It is only a matter of going to the district commissioner's office and asking for a permit, which costs nothing, and you are given it and you can live in that particular area for as long as you wish. The people who are in favour of abolishing this law are those who would like to come at night and inspect where the cattle are—and also where the good land is so that they may go back and bring their brothers and

sisters and settle there. This is what we do not want, and the Government itself does not want this.

Mr. Lubembe: On a point of order, Mr. Deputy Speaker, the hon Member has stated categorically that the people who are moving this Motion for repealing this law want to get time to come at night to see where the cattle are and see where everything else is and take them; now, is this not imputing a bad motive against the Member who moved this Motion?

The Deputy Speaker (Dr. De Souza): Yes, yes, it certainly is. Mr. Kipury, you should know by now that you must respect other hon. Members and their motives, just as much as you want them to respect you and your motives. It is totally out of order. I am sorry that I was not listening because I was talking to the Clerk at that particular second, but you must withdraw and apologize.

Mr. ole Kipury: Mr. Deputy Speaker, there must have been some motive behind this.

The Deputy Speaker (Dr. De Souza): Order! You are withdrawing and apologizing?

Mr. ole Kipury: I withdraw, Mr. Deputy Speaker.

The Deputy Speaker (Dr. De Souza): And apologize.

Mr. ole Kipury: Yes, Sir.

Mr. Deputy Speaker, another point that the Mover also mentioned was that these tribes, especially the Masai, Samburu and others, are fearing the Kikuyus. For his information, Mr. Deputy Speaker, we have thousands of Kikuyus and other tribes in Masailand and we do not fear them, we welcome them because they are really very helpful to us. They are far more helpful than a Luo would be because these people have developed minds and they are very, very hard workers; and if you give them *shambas* they really work for the development of the country—they are very useful to us. Despite the law, these people are coming in. There is no point in saying that we should abolish the law. If the Government would like to abolish it with no embarrassment to anybody, I will ask the Government probably to appoint a committee to go into it and visit these places and get the views from the people concerned and get the proper information. Out of that information, if necessary, get something to replace this because these people must be protected from economic exploitation and their lands must be protected. They are citizens of this country and there is nowhere else where these people can go, I cannot go to, say, Kiambu, and get a

[Mr. ole Kipury] piece of land there; I cannot go to Machakos and get a piece of land there because it is all taken and filled up. Why should you come to me and demand land or anything else because you have seen further than I have done and you want to exploit me? This is why I am telling the Government that I think these people should be protected, and I thank them for doing so up to this moment.

With these few words, Mr. Deputy Speaker, I beg to oppose.

The Deputy Speaker (Dr. De Souza): I think Mr. Njonjo wants to speak now and he is coming in a second and I think we should wait for him because if he does not speak now there will be no time for the Government to reply to this debate. Here he is now.

The Attorney-General (Mr. Njonjo): Mr. Deputy Speaker, I want to ask the House not to debate in this House with emotions, but to consider the purpose why these legislations were enacted. If one was to look at the history of these two legislations, namely the Special Districts (Administration) Act and the Outlying Districts Act, one would see that the purpose of these two Acts was to protect the people who live in these areas. Unfortunately, and there is nobody to blame here except history and those who were ruling this country, the progress of these people has been left behind. Therefore, I urged the House not to ask for these areas to be opened up to unscrupulous people, to people whose intentions we do not know, people from outside. If one were to look at the intentions of the Motion itself, in my submission it is sinister, it is misconceived and—

Mr. Okelo-Odongo: On a point of order, can the Attorney-General substantiate the intention of the Motion being sinister when it is for the protection of democracy for which he is supposed to be working here?

The Deputy Speaker (Dr. De Souza): Well, I do not think he is drawing any imputations on your personal motive, but I think he believes sending party political organizations into these areas is sinister. I think that is what he refers to, but, in any case, you will have time to reply, Mr. Okelo-Odongo.

The Attorney-General (Mr. Njonjo): Any intelligent person, Mr. Deputy Speaker, would only have to read the Motion. It says that these areas should be opened because it is hindering political organization, and the other bit says that the law as it at the moment does affect the movements of party officials and agents. Are we being told that there are no political organizations

in Masailand today, or in the Turkana area? I am not talking about any political organization; all I am saying is that I know for a fact that there are political organizations, registered in my office, in the areas which are affected by this legislation. I am not familiar with the political organization of the Opposition and I do not know whether they have political organizations in those areas; it is for them to tell us whether they have any organized politics.

Mr. Deputy Speaker, when we had Kadu in this country, Kadu had political organization in the areas which we are talking about, but the party organization there was grounded in the area; they did not operate from Nairobi or from another area. The Minister spoke here and he said that whenever he went to those areas he went during the day and he had a permit to go there. Why not? The trouble is that one does not want to disclose the truth about this proposed Motion. Our friends do not want to go to these areas during the day. I have had cases of their deputy leader going to Meru, or parts of Meru which are closed, and instead of going during the day he chose to go during the night. Mr. Kaggia and, I think, my friend—if I am not mistaken and I am subject to correction—was with him. Unfortunately, they did not have the permits and they were turned back by the Administration. If I want to go to Meru or Kajiado, all I need do is go to the District Commissioner here in Nairobi, get a permit and then I can go.

Mr. Okelo-Odongo: On a point of order, Mr. Deputy Speaker, is the hon. Attorney-General in order to mislead the House that if you want to go to Meru all you have to do is go to the District Commissioner and get a permit when that is not the case? The procedure is that the District Commissioner, Nairobi, has to wire the District Commissioner, Meru, and then consult the President's Office.

The Deputy Speaker (Dr. De Souza): You can speak when it is your turn, Mr. Okelo-Odongo.

The Attorney-General (Mr. Njonjo): That is a false point of order and the hon. Member has been in this House long enough to know that you cannot stand and argue with another speaker on a false point of order.

Mr. Ondiek-Chillo: On a point of order—

The Deputy Speaker (Dr. De Souza): Let us not have more points of order, I do not think they are relevant.

Mr. Ondiek-Chillo: Yes. Since the Attorney-General has alleged that to go to Meru he has to get a permit, and this means that he has actually referred to a document which he had at some

[Mr. Ondiek-Chillo]

time, could he actually produce a copy of that document and lay it on the Table, to show the House that he has got one.

The Deputy Speaker (Dr. De Souza): No, that is not a point of order.

The Attorney-General (Mr. Njonjo): What is wrong with the hon. Members? Why do you not raise a valid point of order for once?

Now, the position is this—and I know some Members did talk about tourists and that they get into difficulties and they are inconvenienced. Tourists in this country are not inconvenienced when trying to go to these areas. First of all, they go during the day because you must get to Keekorok before 6 p.m., and this is not only because they are suspected, as some other people are suspected, but because there is game in the area and you must get to Keekorok before 6 p.m. I think there are some other people who want to get there at 4 o'clock in the morning.

Mr. Deputy Speaker, the position of the Government is that we reject this Motion *in toto*. We also reject the amendment which was introduced by my friend, Mr. Omweri, from Kisii. I say this because the hon. Member knows of the very sensitive position which at the moment exists between the Kisii and the Masai on their border. This is the worst thing that we can do at the moment in trying to solve this serious situation that exists today between these two peoples on the border. If this boundary were to be opened, and there was to be freedom of movement between the two countries, some people have ideas of stealing other people's cattle, and they plan how to travel during the day so as to see where the cattle *bomas* are so that they can operate during the night knowing exactly where the animals or the other tribe is.

This will not help our people and it is not, in effect, bringing unity within the country. What I think we should all try and do in this House—

Mr. Ondiek-Chillo: What are you talking about?

The Attorney-General (Mr. Njonjo): I am talking about unity which my friend is not interested in. I am talking about unity where people will meet during the day so that they can face each other, face to face, and see what they look like and then discuss the problems they have in hand.

Mr. Deputy Speaker, as I say, what we should do in this House is try and help our fellow countrymen so that they come up and catch up with us, and not to try and open the door for

some clever people, especially my friend who is now wearing a Pakistani hat, to go and buy the land in Masailand so that they can go there with a lot of money and cheat illiterate Masai people and buy their land. Mr. Deputy Speaker, there are illiterate people in the whole of the country, there are illiterate people in Kisumu, in Kiambu, at the Coast and in Nairobi; but there is a degree of illiteracy. There is also a degree of progress; but what we should try and do is to help every part of our country, every section of our people, to come up and catch up with the others who have had the advantage of the developments. We want to help the people in Masailand, in Turkana and in other areas which were left behind by the Colonial Government. These people must be given the chance to catch up with us.

As I said, Sir, this Motion is not meant to help in this development. I urge that if any political organization wants to organize things in the country, all they have to do is to organize within those districts—not by remote control but by having supporters in the districts in which they want to establish an organization.

I have had discussions with my friend, Mr. Odinga, on questions of registration. We have had difficulties over registration of some of these branches because when we examine the Post Office box number, when we examine the plot numbers, these do not exist. If they do exist, they belong to some person who is not a follower of that party.

As I say, I strongly, and in the interest of our people in these areas, oppose the Motion.

Mr. Lenayiarra: Mr. Deputy Speaker, Sir, I oppose the Motion very strongly.

The Deputy Speaker (Dr. De Souza): You will only have three minutes.

Mr. G. G. Kariuki: On a point of order, Sir, in view of the fact that we have heard enough about the amendment, I wish to move that the question of the amendment be now put.

The Deputy Speaker (Dr. De Souza): I will put the question at 11 o'clock.

Mr. Lenayiarra: I fail to see the reason why some Members in this House want this law to be repeated because, Sir, in Samburu, where I come from, I have seen people of different tribes. There is a large number of Kikuyu, there are so many Luo, and so many people of other tribes. So, I want to say that this law has not denied any people the right of going anywhere they want.

Last year, Sir, the hon. Mover of this Motion, as well as the Seconder, visited Samburu District and had no difficulties at all. All they required

[Mr. Lenayiarra]

was a permit. If people want to go for a good purpose, why do they not want to get a permit? These permits are available in the district commissioner's office. If any people want to go from Nairobi to Samburu, or any other place, all they have to do is to go to the district commissioner's office and get a permit.

As we know, Sir, in Samburu we have a game reserve and we have a beautiful lodge where tourists do visit very often. These people do not find any difficulties visiting this place.

When I was listening to the speeches of the Members, I did not notice any good reason for demanding the repeal of this Act.

I strongly oppose the Motion.

The Deputy Speaker (Dr. De Souza): As it is now time to call on the Mover to reply, 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 negatived)

(Debate on the original Motion as resumed)

The Deputy Speaker (Dr. De Souza): I now call on the Mover to reply. Mr. Okelo-Odongo.

Mr. Okelo-Odongo: Mr. Deputy Speaker, Sir, it is a great shame for this House and for the Attorney-General of this country, who is supposed to be in charge of one of our fundamental institutions, namely, the Judiciary, to demonstrate quite openly that they are not prepared to protect the instruments of democracy in this country. The Attorney-General said that there was some kind of sinister motive in this Motion, and I beg to submit that the Attorney-General has a sinister motive in his mind and that is why he has opposed this Motion. I think that what he wants is not to protect the Masai people because they do not need protection. The Masai people are supposed to be warriors; and if they are warriors, they should come out and meet the people of Kenya. Where are these morans that we used to talk about? Sir, if these people need protection from the Attorney-General, I am sorry to tell them that that protection will not last very long. If it is for protection, then I do not see why there is concentration on the Samburu areas and so forth. What about the Meru people? Do the Meru people need any protection? What about Kiambu and Nyeri? Are these people not people who fought the colonialists during the *Mau Mau* time? Do they need any protection from the Attorney-General? So, why does the Attorney-General keep Meru as a closed district? It is only because they want to divide the people of Kenya and, therefore, it is sinister. This kind of thing will have to be removed completely.

I think the hon. Members of the Masai and Samburu areas— My hon. friend says that we visited those areas; and it was with great difficulty. The only way to do things, if the hon. Members are interested in the development of their own people, is to have their districts declared open; otherwise they are going to remain weak and in 50 years' time they will not exist, they will go completely out of existence; they will be extinct. The hon. Member should go to the United States and find out what happened to the Red Indians. They were put in closed areas and they do not exist any more. This race is dying out and this is what is going to happen to the people of Samburu and the people of Masailand if they support this kind of organization. If they are interested in the people of their areas, they must come out, learn and keep up with things and fight for what is theirs so that they can be on an equal footing with the rest of the community.

There was nothing political about this Motion. A Motion had been moved by Mr. Omwari which was asking for movement, in the same way as he amended the Motion today. This is why we wanted to be specific, we wanted to do this for a healthy, democratic atmosphere in Kenya. Since the General Elections are coming shortly, we must have freedom of movement. This is one of the most important aspects. The Attorney-General told us that we could organize in these areas, we could get permits, and so on. I have already said, when moving the Motion, that we were not allowed to visit Baringo, we were not allowed to visit Elgeyo-Marakwet, Turkana, Pokot and, as a matter of fact, we only arrived at Maralal by some kind of mistake. Later on when we tried to get back to Maralal we were not allowed. I would like to warn the Attorney-General and the Government that if they are going to interfere with free political organization in this country, they are inviting trouble, the end of which no one knows.

I have already said that we do not learn from history. I asked my hon. friend, Mr. Ngei, who was the former staunch leader of the African People's Party— We even allowed him to come to Kisumu and he had one of his candidates, I think, from Kisumu. Now he is here, sitting down and saying that his area should be a closed area and that no one should go there because he wants to dominate the Akamba people. The Akamba people will rise up and get rid of him.

The Minister for Housing (Mr. Ngei): On a point of information, Mr. Deputy Speaker, is the Opposition Member there, the one who is shouting so much—

Mr. Okelo-Odongo: I do not want any information; there is no time for that. I think we are going to find out where Malu is. We might do something along these lines.

Seriously speaking, one can only interpret the rejection of this Motion as a very bad move because when the Attorney-General spoke on the Motion that was raised by Mr. Omweri along the same lines, he did not reject that Motion at that time. He said that he was going to examine the need for the continuance of the legislation. However, today, he is rejecting the Motion, and we must say that he is rejecting it for political reasons. By doing so it means they do not want the KPU to be organized in this area and in this way get away with the next General Election. If that is the case, I do not think there will be success on that.

I also think that the Government is trying to hide its weakness because it knows that in these areas there is a great deal of backwardness, there is no education, there is no food. The other day the hon. Member from West Pokot moved here that people died of hunger, of starvation, in West Pokot. Now this is what the Government is hiding, they do not want us to go and see how people are dying of hunger in West Pokot? Is that what a Government can call, helping the people?

Sir, if you go to these areas, you see some terrible things, yet these terrible things, as my hon. friend has said, are open to the foreigners who come to see and go and tell this to the people in their own countries. I have heard of our students rebelling against this; even our Ambassador in West Germany at one time was objecting to some kind of a movie that was shown there because it did not represent what was seen here in Kenya but only in a little part of Kenya which was closed even to the Kenya people. This is most unfair; and if the Government is trying to hide this poverty, backwardness in these areas, it is not doing anybody any good because, as we have said, if there is disease and we keep on hiding that disease, hoping that one day it will disappear, that disease will kill you.

I am very sorry that the Government chose to oppose the Motion. I appeal to the hon. Members of this House, who should be above petty things, who should be able to fight their political opponents bravely, who would like to preserve this House and democracy in this country, to be brave enough and vote for this Motion so that the Government is urged to change and repeal the present legislation which is not doing the country any good.

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

(Question put and negatived)

MOTION

SEPARATE EDUCATION VOTES IN LOCAL AUTHORITIES

THAT, while appreciating the most excellent efforts being undertaken by the Minister for Local Government to save the local authorities from collapsing financially, this House recommends that the Education Vote in all local authorities be kept under a separate vote in order to save education from becoming the victim of any local financial embarrassment.

(Mr. Godia on 6th June 1969)

(Resumption of debate interrupted on 6th June 1969)

The Deputy Speaker (Dr. De Souza): I believe Mr. Omweri was speaking at the time of interruption of business and has one minute more to go, if he wants to continue.

Mr. Omweri: Mr. Deputy Speaker, last Friday I said that teachers were being subjected to unnecessary harassment because of financial difficulties the county councils face. I also said it is high time the Government should unify all educational utilities under one Vote in each county council so that it would be possible to ensure that our education would not be interfered with because of lack of finance. We referred to the present situation where we find that county councils do not pay their teachers, and where we also find, in certain areas, that equipment is inadequate because the county council cannot give adequate supply. For these reasons we felt it should be the responsibility of the Central Government to make sure that the educational system in the country is not hampered because the county councils cannot raise sufficient funds.

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

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

Mr. Speaker, Sir, we have pledged that education is the responsibility of the Central Government and, therefore, it is high time that the Government made sure that this is not tampered with in any way. This is the main reason why this Vote, this one Vote under the local authorities, catering for education, was brought here by the hon. Mover for debate. There is no quarrel at all here. This Motion is merely asking the Government to make sure that the educational system is looked after, and that all children who go to school do not have drawbacks due to financial failures in various counties.

This was the main point and I suggest that the Government accepts the Motion and instructs all local authorities to make sure that there is a vote for education in each area.

The Speaker (Mr. Slade): I am not quite sure whether the Deputy Speaker informed hon. Members that we have 50 minutes left for this debate, which means that the Mover will have to reply at ten minutes to Twelve o'clock.

The Assistant Minister for Local Government (Mr. Munoko): Mr. Speaker, I would like to thank the hon. Mover, the hon. Stanley Godia, for bringing this important Motion to this House. It does give the Government a chance to state its position and to say what it is doing about it.

Sir, the power to carry out functions relating to primary education has been vested by the Ministry of Education in the local authorities, that is the county councils and the municipal councils. As the law stands at present, local authorities have to keep the funds which are to be expended on education as part of the general fund of the councils. So the councils have to do that to keep within the law.

Education expenditure cannot be met from the school fees and the equipment fees alone. Much of it has to come from the money which is paid in the form of tax, graduated personal tax, as well as the general grants which are made available by the Government. So it is important that the education expenditure, as it stands today, stands part of the general fund of the local authorities. Very often local authorities have found themselves in financial difficulties. This, very often, has been due to failure to collect all the graduated personal tax or to collect the fees which accrue to these local authorities in order to finance their services. However, as soon as this is discovered, it is always necessary for every local authority to effect economies, and as the expenditure on education in many of the local authorities forms about 70 per cent of the total expenditure, it is actually affected by such economies; very often to a greater extent than the others. However, of late, Mr. Speaker, with the passing of the Teachers' Service Commission Act, no teachers, so to speak, have been dismissed from their services. Nevertheless, it is important, Sir, that the matter should be looked at afresh in view of what has gone on in the past. There is also one other aspect which has to be considered very seriously at present before a move is taken to place the education expenditure separately, and that is in relation to the staff which many of the local authorities have. If we were to increase the volume—and indeed the complexity—of the work which they have to undertake we may find ourselves, or the local authority may find itself, in even greater chaos. Therefore, it is important that this aspect has to be examined and ways found to overcome it.

Mr. Speaker, Sir, perhaps, at this juncture, I may pay tribute to the staff of the municipal councils who, up to now, have done their work very well and very conscientiously indeed. Mr. Speaker, I think that this is due to the fact that the staff which are recruited by the municipalities are very carefully considered so that only those who are able are taken on to serve the councils. However, Mr. Speaker, this is not the case with the majority of county councils whose staff do not, at present, do their work as perfectly as they ought to do. There are also cases where some of the senior staff of county councils go on duty late and even some of them leave their duties either on time or earlier. I have worked with a local authority and I know, for certain, that it is impossible to complete any work of an organization such as a county council without giving a little more time, very often during the time after the official end of work. Therefore the local authorities' staff must do their work much more conscientiously than they are doing at present.

The other point, Mr. Speaker, is that many local authorities, especially the county councillors, decide to undertake certain development projects without considering the financial implications in every case. This has led to a lot of financial problems in many councils.

Mr. Speaker, Sir, if I may, I will now turn to the gist of the Motion which is before us now, that this House recommends the Education Vote in all local authorities to be placed under a separate Vote. I have no quarrel and the Government has no quarrel with this Motion at all and, in fact, Mr. Speaker, hon. Members will recollect that before independence, we had District Education Boards which used to look after educational affairs in each of the county councils. At present, Sir, the Government is looking into this complex matter and I do hope that this aspect, as recommended in this Motion, will be examined with a view to putting forward something on this similar line.

Mr. Speaker, Sir, after the experience of five to six years, it appears quite clearly that there is something which should be looked at. There are certain shortcomings which must be overcome in the present system of financing education. It looks as if a system has to be worked out whereby all school fees and equipment fees, plus half graduated personal tax and half the grants which are paid to local authorities from the Central Government, are put in a separate bank account to finance education. Mr. Speaker, Sir, if this is done, I hope it will go a long way to removing

[Mr. Munoko]

some of the problems of education which we have at present. I also say, Mr. Speaker, that the Government is currently looking into this matter.

In moving this Motion, the hon. Mover said that it was obvious that the Expatriate Financial Officers were responsible for the mess that is there today and that this was due to the fact that they did not consider themselves part of this community of Kenya. Mr. Speaker, Sir, I do not agree with this statement, and I must, at this juncture, say very strongly that it is most unfair for the hon. Member to say that the people we have as financial advisers are responsible for this because, these people Mr. Speaker, are being—

Mr. Godia: On a point of order, Mr. Speaker, Sir, while appreciating what the Assistant Minister is saying, is it not out of order for him to say that I had said here, when moving this Motion, that the expatriates were responsible, when, in fact, I said that they were present when the mess took place? I did not say they were responsible for the mess, but I said they were in employment when the councils were collapsing; that is what I said.

The Speaker (Mr. Slade): Do you accept the correction, Mr. Munoko?

The Assistant Minister for Local Government (Mr. Munoko): Mr. Speaker, I might have got it wrong there, but I have a note here which states that you said that they were not interested in the development of the country. However, I might have got this one wrong and, therefore, I would like to thank him for having not made it.

The financial advisers, or the people we have in the Ministry who deal with the financial aspect of the Ministry and local authorities, are doing a magnificent job. We, as Government, depend on them because we cannot get other officers who can man these services. If we let them go we will find ourselves in a greater mess than the present one. These people must be given credit for staying longer to see us battle through some of the difficult time which has past, and we hope that the training facilities which we are making available will enable more of our own people to join these services so that they can carry on from the present officers.

Another thing, Mr. Speaker, Sir, is that most county councils—in fact all councils including municipalities—have Africans as clerks to those councils. Therefore, if there was anything going amiss, these clerks should be able to look at it and correct it straight away, because, after all, clerks are the chief officers of councils and that

they are the people who are held responsible when anything goes wrong. The financial advisers are only there to advise them and their advice can either be accepted or rejected. Councillors have also to consider very seriously whatever they make in the way of decisions and the financial implications, as I have already said. They must be ready to take any blame for such messes.

Having said all this, Mr. Speaker, Sir, I now conclude by saying that the Government accepts this Motion.

Mr. Warlithi: Mr. Speaker, Sir, I would like to start by thanking the Member who moved this Motion and also to thank the Government for having accepted the Motion. We are aware, Mr. Speaker, that the county councils in this country are very important in that we have given them a lot of things to do, and unless their financial position is controlled, and watched carefully, much of the work they are supposed to do cannot be done. If you look at this Motion, the first part of it, talks of what the Ministry of Local Government is doing to save the local authorities from collapsing financially, and I would like to say here that from what I have seen from my own county council, the Ministry of Local Government is doing a lot in sending officers to the county councils to check on the financial position and to advise them on how they should spend their money, and I would say that the Ministry should continue to increase their officers to see that the control on expenditure is done. It is not a very healthy position when we hear now and then, that certain county councils cannot continue with their affairs; they are taken over by the Central Government; or that certain services have to be curtailed, because the county councils, as I have said, have got to take care of the people right down in the field. They are in charge of education, roads, health services and many other things which affect the citizens very closely. Therefore, I will say here that the Government should reconsider that instead of giving the local authorities so many responsibilities without sufficient finances to carry out such responsibilities; it is unfair. In fact, I remember in this House, some time this year, we passed a Motion where we requested the Ministry of Works to take away all the secondary roads from the local authorities so that they can cope with the rest of the work.

Therefore, Mr. Speaker, my supporting this Motion is based on this question of education, whereby, as the Minister has said, 70 per cent of the money to county councils goes to education, and that means other services are bound to suffer. I have got one or two proposals which I would like the Minister to consider. I am glad he has

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accepted that the Vote should be separate so that there is no need, at any given time, for teachers not to be paid or any such other big occurrence.

I wonder, Mr. Speaker, whether it is wise for the Central Government to grant money to the county councils and give this money to the county councils. I would have thought it would be more advisable—because all county councils have to get grants from the Central Government as they cannot run the services they are supposed to from their own resources, from graduated personal tax, from fees, from other licences and other sources of revenue. They are not able to run the services and they have to get grants from the Central Government. They may get a grant for education, a grant for roads, a grant for other things. Why should it not be possible for the Central Government, or the Ministry of Local Government for that matter, to keep this money in their Votes? Instead of sending it to the county councils, to keep it in the Local Government Vote, and whenever it is required by the various county councils to be paid directly by the Ministry of Local Government.

I say this because we know that certain local authorities, when they get a grant from the Central Government, for roads or other services, instead of using that money for that particular service, they do not do so. For instance, it may be that there is a shortage in education, which takes the largest amount and then because they want to pay the teachers or buy equipment, they spend that grant which was meant for roads on education. Therefore, what I propose is that instead of sending the money to the county councils, any grant, whether for roads, education or for any other purpose, should be kept in a Vote in the Ministry and when the county councils want the money, or if they have done some work, then the Ministry could pay direct and that will remove the possibility of the county councils spending the money on a project for which the money was not meant. The county councils would raise their money in the normal way—on graduated personal tax, on fees and on other things—and they would be able to meet the costs of whatever they have to do. Whatever is required on top, as I have said, should come from a central Vote in the grants given to local authorities.

The other thing Mr. Speaker, which is also very important is that the staff of the various county councils, particularly those who are in charge of finance, should be people who are properly qualified. It is known for certain, that certain county councils cannot control their expenditure because they do not employ suffi-

ciently qualified people. I speak from experience. In my own county council of Nyeri right now, it is in a very bad financial position simply because some officers who were employed were given very important posts, like that of Treasurer or to control finance, and were not sufficiently qualified. This is not because there are no people in the country who are qualified; it is because of certain influences which interfere with the proper appointment of the proper officers, and I would like the Ministry here to consider, seriously, employing people who are qualified, so that they can advise the councils on how to spend their money and also check when they see that there is overexpenditure.

The last point Mr. Speaker, is that there are up to now county councils which for the last three to four years have not had their estimates approved, and one wonders how they continue to spend money, how they estimate, how they know how much they have spent and how much they should spend, which is very, very unfortunate. We have been told quite often by the Minister in this House that there is a shortage of personnel. Now, even if there is, it cannot continue forever. One would expect an improvement. May be when we started at beginning, there was a shortage of personnel but one would like to see some efforts being made by the Ministry to train people or to recruit people who are able and who know how to help the county councils in preparing their estimates and checking their expenditure.

The Minister, having accepted this Motion, I would only hope that this is not going to be like other Motions which are accepted by the Government in this House and nothing is done about them because we do not want to see county councils, like the situation in Kisii where the teachers have not been paid and now we had a Motion yesterday on this—I do not want to repeat—and there was a promise that something was being done. I would here, Mr. Speaker, like to express very grave concern; we were assured by the Ministry of Local Government in this House, when we were passing the Bill dealing with one employer for teachers, that at no time would the teachers fail to be paid because the local authorities have no money. The very purpose of the teachers fighting for one employer, which the Government accepted, was to see that they were paid like any other civil servant and that they did not have to wait or to be told that the local authority was broke. The position in Kisii now is contrary to the promises which were given. Why does the Central Government not step in, pay the money to teachers and then they can

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sort out the affairs with the county councils? The position is very delicate. Somebody works for a whole month and has no other source of income; he expects to live on the salary, but at the end of the month no money; and up to the 13th of the month no money. One wonders how this man is living.

I say Mr. Speaker, it is very important that this Vote should be kept separate and that the teachers, the children and everybody connected with education do not suffer.

With this, I support.

Mr. Mwalwa: Mr. Speaker, Sir, I wanted to move an amendment to this Motion but since the Minister has come out openly in support of the Motion, I think I had better drop my amendment and carry on with the main issue of the Motion.

I think, Sir, the position here is very clear and it is clear in this sense that this country should not play about with the teachers. The teachers are the builders of the nation. All of us here, Sir, would not have been here if we had never been through the hands of a teacher, and any debate that concerns the teachers in this Chamber, I think the Members should take it most seriously. I am glad this morning and last week Members have shown great concern in this respect.

Sir, may I come to the main point of the Motion: we have financial advisers in the local authorities and we expect these people to advise the local authorities to the best of their ability, but this has not proved successful, but I do not think they are to blame to a large extent. The blame comes from inheritance. By this I mean that we have inherited the system of local government from the system that works in Great Britain. In Great Britain, however, the local authorities are able to finance their services. Out here, Sir, our local authorities are unable to finance their services because the sources of income are limited, and therefore instead of our financial advisers being able to advise the local authorities to the best of their ability, they seem to tend to follow what is happening in Great Britain. However, as I said, in Great Britain and other developed countries, the local authorities are able to finance their own services because of their different and many sources of income.

Therefore, Sir, I feel that it is high time we changed the system of financing our local authorities. To this end, I feel that the only simple way to relieve the teachers' problem is to make

the Teachers' Service Commission take on its own responsibilities. When we passed this Act for the Teachers' Service Commission in the House, we expected that it should be entirely responsible for the service and everything to do with the teachers. However, I feel that that is not what is happening now because some of the teachers who work in the countryside are paid by the local authorities from the grants from the Central Government, and this is what is causing all the trouble now. We know that our local authorities are always in financial difficulties. Therefore, I feel the best thing for us to do now is not to make a mockery of the Teachers' Service Commission, but to make it a full authority in charge of the teachers, because our intention, as the hon. Wariithi said, in passing the Teachers' Service Commission Act, was to make the teachers have only one employer; to make the teachers have only one employer, just like the civil servants. The teachers accepted this move and they thought that they should have one employer but that is not what is happening now. We have even had cases where the Teachers' Service Commission employs some teachers and then somebody else—the Minister—comes up and says that they have no authority to do that and that such-and-such a person should not work here. I remember that the Minister said at one time that he was the final authority and that the Teachers' Service Commission had no power to act on certain items. Therefore, Sir, what I feel is this, that the Teachers' Service Commission should take up the whole responsibility of looking after the teachers, otherwise we shall continue having the problem of teachers going on strike and not being paid and this will cause things like what happened last night and other things during the past few days.

What I am trying to say, Sir, is this, that I feel that the Teachers' Service Commission has not been given power to operate as it should be. It is no use having to keep separate accounts and separate votes within the local authorities for this and that; this is not going to help. I see no use in keeping separate accounts. This is very simple because what is required is to make the Teachers' Service Commission as the sole employer of the teachers and then we should let the Government give money to this commission so that the commission works fully effectively in looking after the teachers. I do not see any reason for keeping the vote here and there because we are giving the local authorities more than they can chew. They have not got the qualified staff, they have not got the financial know-how; and, therefore, it is no good burdening the county councils with all this. The simplest thing for this House and the Government to do is to allow the

[Mr. Mwalwa]

Teachers' Service Commission to operate fully with all the powers given by the Act that we passed in this House.

With these few remarks, Mr. Speaker, Sir, I think that that is the only solution for the teachers' problems.

The Minister for Housing (Mr. Ngei): Mr. Speaker, this is a very sensible Motion and it is no wonder the Member is very keen and always brings a very good Motion.

Mr. Speaker, Sir, I do not want really to say much, but I would like to make a few points and, of course, show something on the side of the Government as the Assistant Minister has done when accepting this Motion.

I think it is known pretty well that after attaining our independence the Government was concerned in preparing our people for greater responsibility, and, of course, in responsibility for running the services in the local authorities which matters quite a lot. In doing so, it did not make any mistakes at all. The Government believed that any person who was to be able to attain managerial ability of any institution, be it Government or private, must, first of all, be given the opportunity to show that he can execute something. This is the basis where the Government had to let most of our young men and, of course, all the other people in the local authorities, continue in order to learn responsibility by working. I will repeat that: in pre-independence many things were said about the indigenous people, or the citizens of Kenya, not being able to do certain work. The reasons were, of course, that they were not given the opportunity to show that they could do it by doing it. That is why we let some of our people run the services in local authorities, such as education, health and the rest, and the management had to have a lower output rather than perhaps sink. However, this does not mean that the case is now the same. Management has gone up intensively and I think we have seen local authorities manned by the local officers and they are doing their work pretty well. In certain cases, of course, we have been let down a bit. Therefore, it is our firm belief that by execution of duty and knowing the ability, one has to be given the opportunity to run these things coherently.

Mr. Speaker, Sir, we have agreed—or the Government has agreed—that the education vote should be under the responsibility of the Minister himself. In support of this, I would like to say that it is the first seven years that matter, of a child or of anything. Even if you plant a tree, it is the first years of growth that matter and that

really show the healthiness of that particular plant or that particular child. That is why it is important that—this is the fundamental fact—the first seven years matter a lot, because it is here where we have to prepare our people, our young generation, to have a strong and healthy foundation for their future and, of course, their welfare and the welfare of our country. Therefore, I urge very strongly that the Minister concerned and the Government, see that the education vote is taken over by the Ministry.

Many things have been said about the teachers and I am not going to repeat that because the Government's case has been made very clear. There is no doubt that Members are aware what the trend is. Therefore, Mr. Speaker, I am sure that the Government is going to take over the responsibility to see that the education vote—and not only the education vote alone, but the schools and the rest which matter, from standard I to standard VII, or whatever it is—foundation which has to be laid is firm and good. I will take the example of one of my sons, Mr. Speaker, because I do not want to be beating around the bush. A son of mine was learning in a local school and I transferred him over here and I could see that he was far behind by 2½ years; he was almost illiterate as compared with the class in which he was supposed to be in the place in my own constituency where he was going to school. This is one thing. He was far behind and when he came here he found the education standard was high. Of course, I know that there are other environmental experiences one gets here. Let us say, for example, that a child living in the hon. Godia's constituency may not be able to see a television, but a child in Nairobi here may see television because it is in his father's house and therefore he will learn more from seeing the television than the child who stays in the rural areas. I have a firm belief that the educational foundations is the most important thing if we have to bring up our standards.

Mr. Speaker, I want to quote an example: the other day the hon. Members who go home early, who take the trouble to read books and so on and do not just stay here in Parliament Buildings, would have seen two days' ago on the television two schools debating, the Aga Khan and Alliance High Schools. We saw a very high standard of debate which was well-thought out and had very good thinking. This is because these schools are looked after well and they do not suffer as a result of financial embarrassment. I think this is a Motion which is well meant and the Government is going to accept it with all its heart and I hope the Minister concerned will see to it that things go ahead.

[The Minister for Housing]

I also want to say one more thing, Mr. Speaker, It is not necessary to be highly educated and I think it is high time that we stood firm without fear and, of course, within our bounds of reason. It has been said that you must be highly educated in order to be able to execute things. We have seen a lot of people with degrees just lingering around with calabash of liquor in the villages and forgetting to educate their children. Therefore, our people must be challenged and they should not come here all the time and say they want the education vote increased because they want higher salaries as they want to teach. What about the other aspects of this; of telling the teachers to teach well? You find teachers going to teach children in the morning when they are half asleep because they have got hangovers as they have been drinking up to 3 o'clock. How will he prepare his lessons and also be fit to do a geometrical problem which the children want to be explained properly? I think we have been buttering up the teachers too much and I think it is high time that somebody stood up also and said that we expect them to show some responsibility and teach our children because they are being paid for it. Somebody in this country must be firm and tell these teachers that this country has had enough, and Government is listening to all this about their salaries; there is no question about this. I am not bothering about the condition of their salaries. However it is high time, as a parent, that if I pay the fees of my children, would like to see that they are educated properly and that they are not taught by a teacher who has been drinking up to four o'clock in the evening. I think the Government will also take firm action to see that those teachers who go on drinking are dismissed. It is high time Members of this House, also, made this known to teachers in their constituencies: that we expect some service and not all the time to have delegations and memorandums about their salaries. Mr. Speaker, when a father like me pays fees from my little money to see that my children are educated, find they are semi-illiterate because of a drunken teacher.

Mr. Speaker, I beg to support the Motion.

The Speaker (Mr. Slade): It is time for the Mover to reply.

Mr. Godia: Mr. Speaker, Sir, I am indeed very happy in the manner that Government has taken this Motion. I must thank Government for their cordial understanding of the problems and the material contained in this Motion. I must also thank the other speakers who have taken part in this Motion.

I assure the Minister for Housing that the warning he has given about the teachers who are not working well and hard, and teachers whose standards are not high enough, has gone out to these teachers and I hope that they will do their best to carry out their duties properly.

Mr. Speaker, Sir, while thanking the Minister for Local Government and the Government as a whole for accepting this Motion, I have taken note, and I think the House has also taken note, of all what he has said. Of course, previously, under the Act, local authorities were empowered to look after the matters regarding education, Certain aspects of education were recommended to be looked after by local authorities.

However, the matter regarding payment of salaries to teachers has caused a lot of embarrassment in many local authorities. This was because many local authorities have not been very careful in looking after their funds and, as a result, they decided to close schools or to dismiss teachers simply because they had no money. Yet the children whom those teachers were teaching, their fathers had paid the fees. That is why we think it is necessary for this regulation to be amended so that every child whose parents have paid fees those fees do not go to any other service but education.

I do thank the Minister for accepting this and I hope that each local authority, as from now, will be advised by the Minister how they will do this sort of thing. I think that the education standards should continue and that there should be no embarrassment in matters regarding to education.

As a result of this Motion, I know there will be no more cases like the ones we have in South Nyanza, where 200 teachers are still on strike because they do not have money. I want to assure the House that these people must be paid money because, for the children they have been teaching, parents have paid fees. This money instead, has been used to pay salaries of clerks to county council, market masters, or some people who work on the roads, or those who work in health centres in South Nyanza. Those people have been paid, but the teachers have been sacked. Mr. Speaker, Sir, the Minister should know that in a district like South Nyanza, the other work of the county council is going on and it is only education that has come to a standstill. This is a very sad affair, but these things, I know will not happen again as a result of this Motion.

Mr. Speaker, Sir, I agree with the speaker, who said that the Teachers' Service Commission should actually take over the responsibility of paying

[Mr. Godia]

teachers' salaries. I am of the opinion that if a local authority has set aside money for paying teachers, it has done so as an agent for the Teachers' Service Commission. Therefore, the Teachers' Service Commission should send money to a place, let us say, a place like South Nyanza, where teachers have had no salary. That is the work of the Teachers' Service Commission, but if the Commission does not act and keeps quiet, we tend to think that it is the Commission which is actually ineffective. Therefore, I hope the Teachers' Service Commission will reconsider its position and the Minister should give it more power in matters regarding payment of salaries to teachers so that all those who work in local authorities act as agents of the Teachers' Service Commission.

Mr. Speaker, since this Motion has gone on well and since Government is going to plan ways and means of getting the Motion implemented as from next year, 1970, I urge the Minister to begin now working on his plans for 1970.

Mr. Speaker, Sir, the Motion is straightforward, and as it has been accepted, I see no need for keeping the House longer than this Sir, I beg to move.

(Question put and agreed to)

GOVERNMENT ASSISTANCE TO NORTHERN
KENYA RESIDENTS

Mr. Wario: Mr. Speaker, Sir, I beg to move the following Motion:—

THAT, in view of the fact that the people of Northern Kenya have suffered a great loss both at the hands of Government and those of shifta through the three years of the shifta menace, which made everybody in that area very poor, this House urges the Government—

- (a) to give the county council enough aid and grant, so that poor families could be remitted from tax paying; and
- (b) to give free education to primary school scholars for a few years so as to decrease the families' burden.

Mr. Speaker, Sir, the Motion is very clear and self-explanatory in that no one in this House and, for that matter, in the entire country, who does not know the trouble that had existed in Northern Kenya in the three years of the shifta menace. It is very well known that the shifta have always visited our people, and taken away their animals to go and buy themselves *bundukis* from Somalia, and other countries to come and fight in Kenya and we lost most of our animals to them.

Maybe few people will doubt as to why I have said that we have suffered under the hands of the Government, but Mr. Speaker, I would like to make it clear to this House that we have suffered, even under the hands of the Government because our animals, which were very many, were confiscated during the time of emergency. In the year 1966, animals worth Sh. 422,165 were sold from Isiolo District only. This does not include any other district of the province in question. In fact, if we include those which were lost in Gariso, Mandera, Wajir, that is the North-Eastern Province, it would be something far over five or six million shillings in Kenya currency.

On top of this, Mr. Speaker, Sir, Isiolo District alone we had 1,081 head of cattle confiscated in the year 1967; and 1,241 sheep and goats confiscated in the same year, having excluded other parts of the province. In fact they have suffered under the hands of the Government. These numbers of animals were confiscated, sold and the money was put into the Government funds somewhere.

Therefore, Mr. Speaker, when I stand to ask for free education or for more aids and grants to the county councils, I think the Government will not object to this, because it has got six million or seven or even up to ten million shillings from this particular areas, which came from their confiscated animals and was put in the Treasury. Even if this might prove a great expense to the Government, it is really a matter of giving back this money which had been collected as a result of these confiscated animals.

There were also thousands of cattle which were shot and killed in this area. Some of the animals were killed because of security, especially animals like camels and donkeys. They were all killed because it was said that they were used to carry mines. That left the entire area with nothing compared to what we had during the colonial time.

No one has ever said that that area in the Northern Kenya is poor at all, at any one time in history. Every one—and even today, most of the people having known that those areas have been rich, and thinking that nothing has been done by the shifta and the Government, say that we are very rich people. I would ask some of these people to visit these particular areas and see exactly what there is today. You will see that thousands and thousands of children and women going around with plates and *debes*, asking for coffee, tea, and even clothing—today it is being supplied to these people. We cannot get any food unless it is supplied by the Government.

[Mr. Wario]

At this juncture, I would like to thank the Christian Council of Kenya for helping in clothing, and giving food to these people. I would also like to thank the Government for the same.

In fact, it is high time that these people should be helped educationally. Mr. Speaker, Sir, a nation cannot be called educated nor can it be called a nation, if there is a part of the community which has been completely neglected. Mr. Speaker, Sir, it is known that we have been left behind for quite a time, and it is now time the Government should help our people. The only problem is that, the Government does not understand that we cannot pay school fees now. In my area in Isiolo District, we have a Boran Educational Voluntary Fund, which used to pay for all Boran boys in the area. This fund which has several million shillings has no money today. We therefore, cannot pay fees for anybody.

How then, do you expect these people to be educated when they have nothing? When is the Government going to help these people who cannot help themselves, because they are even fed and clothed by the Government? How can a person who is given food and clothes by the Government and the missionaries be able to pay for fees? They cannot even pay their *kodi*. Thousands and thousands of those people who are in prisons today because of the graduated personal tax, are people from the North. This is because they are unable to pay, and that is known. I recently asked the district commissioners to allow them to pay their *kodi* in instalments—the *kodi* which the Government is concerned with. Two shillings for those who pay Sh. 24; because even the two shillings have become a problem. We have tried all we can to see to it that our country and our people do not suffer but it has been all in vain—it does not help. This is why I ask the Government to give aid and grants to the county councils.

Mr. Speaker, Sir, this area having suffered so much, the County Council of Isiolo—and most others in this part of country—have no money. Just a few months ago, the County Council of Isiolo, because they were not even given their grants—these areas which have been in trouble—which is known to have no money, have not been given the grants for 1967, 1968, and we do not know whether we will get any this year.

When the shifta problem started, we had Sh. 6,000,000 in the county council's deposit. Now, all this has been used and the only amount that we have only Sh. 360,000. This cannot even pay the teachers' salaries for this month. These are

cases which I would like to put forward. Mr. Speaker, Sir, a county council which is now the main body to serve the people by maintaining the roads, hospitals, giving out medicine, supplying the schools with most of the things, cannot work if it cannot get *kodi* from the people. Due to the various reasons which I have explained to the House, this county council has been unable to get any *kodi*. Our collections in the County Council of Isiolo were Sh. 137,561 in the year 1965. In 1966—Sh. 191,778, 1967, only Sh. 34,461; and in 1968, Sh. 16,412. You can now see that we, in that county council have no money. We do not get money from *kodi* at all. We used to sell our animals for the payment of cess. Thousands and thousands of head of cattle used to be brought to Kenya Meat Commission for sale. From this we used to pay Sh. 5 to the county council, Sh. 5 for the export fee, which made a total of Sh. 10 and Sh. 15 to the Boran Voluntary Contribution Fund. This went to the education fund which relieved our people from paying fees; but now we have no such funds and even those who are working do not have enough money, because we are supporting very big families. I am not only supporting my family, but all those who are around me. I have to support them, because I cannot leave them to die.

If today you ask me whether I have any money, I would say no, because when I go home, I have to give out to these poor people who are dying. They can die in front of you, and you can do nothing because you yourself, are suffering from the same problem. They cannot feed themselves unless somebody comes from outside to help them. The Christian Council of Kenya has been making a collection to give aid to our men. I congratulate them for being so humane as to help us.

It is high time that this Government went out to help, and see how much they can give to the Council to give to these people, and how much they can give for education to see that these people are educated.

Mr. Speaker, Sir, we have various institutions in this country; like Starehe Boys Centre, Dr. Barnardo's Home and others. The Government has not, at any time, taken any boy or girl—some orphans who are two to three years old. The Government has never taken heed to take them to these places which are meant for real orphans—motherless and fatherless, and the reason why they are motherless and fatherless is known to the Government. It is because of the menace which they have gone through all these years.

[Mr. Wario]

Mr. Speaker, Sir, such institutions could help to create a place for a hundred boys and a hundred girls to be having at least some food and education. They have failed even in this, in the already existing institutions. Instead of helping these people who are in trouble, these people who cannot help themselves in any way unless they are helped by the Government, the Government has been collecting children from the city whose fathers can pay for their fees. It is very unfair to see that a lot of these places like the Starehe Boys' Centre and so on do not even have one boy from my area. This is the area that has suffered most and cannot pay. The parents cannot pay the school fees for the children. So it would appear that we are in just the same position as we were before. Although we have tried our level best to advance, we cannot. We have put up self-help secondary schools with the last coin that was left in our pockets; we have put up self-help centres, also with the last coin we had in our pockets. We cannot run these centres and schools at all; we just cannot. We have failed. Only last week we sent a delegation to the Ministry of Education asking the Ministry to take over these schools. Our local authorities have failed because they have no money. We sympathize with them. We know very well what their position is, that they have no money. What can we do, Mr. Speaker? It is now for the Government to see which are the orphans and take them over to be placed in these institutions which do exist for such children. What is the use of having a Government that is yours, a Government in which you believe, yet it is a Government that cannot help you in such circumstances when you are completely unable to do anything for yourself? It seems as though we are going back to the colonial days when we had no schools. Today we have schools; we have built these schools ourselves; others have been put up by the councils; but what is the use of having buildings when the boys go there but the following day are sent home because they are unable to pay their fees? We have no money with which to pay the fees. We know that if the children do not pay their fees they will not be accepted in the schools. That is common knowledge. No one at any one time has gone to school free.

Since we, in the Kanu Manifesto, have a policy that free primary education will come to the country at some stage, now that we have had six years of independence, why can we not start off with these areas, which are comprised of only six districts, with a total of 3,000 boys and girls

at school? Only 3,000 boys and girls at school. The average fee is Sh. 60 per year. If you calculate the total you will find that it is less than Sh. 18,000 which is needed to educate all those children in Northern Kenya free.

We will soon be having this Bill which is going to give the Ministers a £1 million and something per year for so many years. Why can we not spend this £1 million on education in these areas? This £1 million will educate our boys and girls for about ten years. Only Sh. 180,000 is required for one year and, therefore, the £1 million will last for about ten years. Yet this big amount of money is going to be distributed only among the Ministers of this Government, an amount which could help the masses of Northern Kenya for years.

Mr. Speaker, Sir, this Motion is very important and I do not think that any hon. Member of the Government can oppose it, because this is the only way in which, at this moment, this Government can help these poor people of these areas in the north. I cannot say that the Government has not done anything for that area; it has done something. But that is not enough.

All these years nothing was done on the roads and that was because of the shifta problem. We were told there was no money because it was being used on the shifta menace, to try and put a stop to it. When we used to ask for other developments, during the time of the shifta menace, we used to be told that nothing could be done. The same reason was always given us: "for security reasons." So I am sure that during all these years, we have accumulated pounds and pounds which would have been used during those three years for the development of our areas. Now that there is no shifta problem, I will ask the Government to do something. That is why this Motion is here, to see that those pounds and pounds which were not used during the three years—because of the shifta menace—are now used.

Mr. Speaker, we have also made a contribution to all this money. I say this because, as I said earlier, about five or six million shillings of our money is in the Special District Fund. This amount was collected as a result of the sale of the animals which were ours and which were confiscated and sold. So, what I am asking is very fair. Half of it, or even three-quarters of it will be our own money, the money that has come from us, the money that has come from our people. The animals that were sold were ours. The money collected from the sale of these animals has gone to the Government. That is why it is

[Mr. Wario]

fair that when we are in troubles and need money that the Government should come out and help us. If the Government did this, our people would be very happy.

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

Mr. Kibuga: Mr. Speaker, Sir, I wish to second this Motion and in doing so I would say that I second it in all good faith. The hon. Mover of this Motion has assured me that he has been approached by a number of Members who told him that the Motion was not wide enough. In view of this he told me that he does not object to it being made wider to cover a larger area and wider ideas. Therefore, I support it and second it hoping that in the course of the debate a Member will come forward with an amendment that will have the effect of making this Motion wider and of making the Government open its eyes to the problems that we are facing in different parts of Kenya.

Mr. Speaker, Sir, it is a fact that in Northern Kenya, the area affected by shifta, is the area where there was considerable movement of shifta and people wishing to secede to Somalia. Some people stood very firm and supported the Government of Kenya and said they did not want to go to Somalia. During this period, those who were supporting the Government, suffered a great deal. In many cases, when it came to the question of confiscating property, some of the animals and so on were taken away, people were mistreated; at the same time, Mr. Speaker, it is true some of the affected people were innocent.

Mr. Speaker, it is well known that during a war a lot of mistakes are made. This happened during the time of our emergency. When these mistakes are made it is easy to say, "Well, after all, what we are concerned with as the fight against the shifta, against secession, so if mistakes are made that does not matter". However, Sir, now that the shifta problem is over, that we no longer have to deal with this question of secession, the Government has a duty to look into the cases of mistakes which were made during the shifta period.

After this one, the Government should go into the problem and see to those people who supported the Government, who served the Government, because the Government has a duty to care for its citizens. These people in the northern part of Kenya are citizens of Kenya. We appreciate that the Government cannot do everything because it does not have the resources to support all

the projects that are needed throughout the country, but then we want to know what efforts the Government is making.

Mr. Speaker, people took risks by supporting the Government during those days and this meant that the shifta came along and attacked people. Some fathers died, some mothers died, some relatives died and a lot of orphans were left there, and so we would like to know what the Government has done, or is doing, to see that those who suffered during that period are cared for. The Government has to show appreciation of the support that it was given during this period.

Mr. Speaker, I would also say in passing that northern Kenya was affected by the shifta and people suffered during this time of the emergency in the northern part of Kenya, and this is what also happened during the emergency in the central part of Kenya. Many times Motions have been brought in this House asking the Government to look after the orphans, look after the disabled and all the rest; the Government merely says that everybody fought for *Uhuru*. This is true, everybody fought for *Uhuru*, everybody fought to see that secession did not come. However, what about those people who took risks to save the Government? This is where we need to know what the Government is doing. We would appreciate it if the Government, for example, appointed a commission of inquiry, or appointed an officer, to go into the problems in the northern part of Kenya and in other areas which suffered during the war.

Mr. Speaker, Sir, just as the hon. Mover has said, it is only last week when a Bill was published to give Ministers gratuities. This amount of money is a lot, although previously the Ministers denied that they were given any money, but it is true that when they found that they had no alternative they wanted us to legalize something spent illegally. Is this not shameful when citizens are suffering in different parts of Kenya? This is where, when the Government comes to reply, I would like to know what effort is being made. I know roads have been made to the northern parts of Kenya and some other developments have taken place, but, in many cases, it is in the areas of those who wished to secede, the Somalis, where the projects are being carried out, but the other areas, Turkana, etc., where there are loyal citizens, are being neglected. Mr. Speaker, Sir, does it show that the Government merely wants to support those people to appease them? This Government must not be a Government of appeasement; it must be a Government who supports its citizens. For example, in Isiolo there were people who were very loyal to the Government and who worked very hard, but once the shifta menace was over, the Government kept quiet.

[Mr. Wario]

I do not mean that we should go to northern Kenya and give free primary education to everybody who is there, and I hope the hon. Members will appreciate this, but there are certain families who suffered and these families who suffered must be helped. The Government must show some appreciation and be a friend. A true friend is a friend in need and not somebody who is a friend when you are happy and when you are eating together and so on, but when the good times are over he goes and looks after himself and forgets you. What has the Government done for the loyal tribes in northern Kenya? What has the Government done in other areas of the country for those people who fought for freedom and to see that our African Ministers are on the front benches? Our civil servants are controlling the country because of those who fought for freedom. However, this is an idea which is misleading and it is an idea which is probably colonial. This is our Government, the Government of the people, the Government elected by the people, and the Government has to look after the citizens.

We have the example of Algeria. In Algeria, which was formerly a French colony, the Algerians won their independence and those people who fought very hard for their independence were helped. What has our Government done here? There is no good in telling the people to go back to the land and that they must work hard when we allow the Ministers to have gratuities.

The Minister for Housing (Mr. Ngei): What is wrong with that?

Mr. Kibuga: I see, the hon. Minister for Housing, Mr. Ngei, asks what is wrong with Ministers getting gratuities.

The Speaker (Mr. Slade): Mr. Kibuga, I think if we discuss gratuities for Ministers we are anticipating a debate on a Bill which is coming very soon.

Mr. Kibuga: Mr. Speaker, Sir, I very much appreciate your submission and I hope that the Minister will see that we elected Members here—Ministers, Assistant Ministers, and Back-benchers—are citizens of this country and the question of selfishness must not come in.

Mr. Speaker, Sir, I merely want to draw the attention of the Government to see that the citizens of the country are cared for. When the Government comes to reply, we want to know what efforts the Government is making.

Mr. Speaker, I beg to second.

(Question proposed)

The Speaker (Mr. Slade): I think it is hardly worthwhile, Mr. Ngei, your starting, as it is only two minutes before the time for interruption. Is it a point of order your have on another Motion?

The Minister of Housing (Mr. Ngei): No, Sir, there are some corrections I want to make on this Motion.

The Speaker (Mr. Slade): All right, if you would like to speak for two minutes.

The Minister for Housing (Mr. Ngei): Mr. Speaker, I rise to speak on this Motion. I know the hon. Member had good intentions in asking the Government to speed up the development in the northern part of Kenya and as such I have no objection, but as the Motion stands—although the Minister will be replying after unearthing some information that has been given by the hon. Members—I would like to say that it is, financially and in practice, impractical, in the sense that you cannot have special treatment for special citizens of a special area. This is impossible. This hon. gentleman is asking for remittances of taxes, which the Government needs, but at the same time, he says that the northern part of Kenya is rich. We know it is rich because it has livestock and perhaps very soon it will have some minerals, because you never know. To say that these people be given special treatment, Mr. Speaker, is to ignore what I call the price of war. The hon. Member knows pretty well that the people down there asked for secession and they also created trouble because they wanted to take part of Kenya away, and therefore they have to earn what I call the price of war; whenever you go to war you must be prepared to earn the consequences of a war. At the same time, the Government has taken a very lenient view and they have forgotten the war and they are, at the moment, taking some constructive programmes, which include opening up the north of Kenya by putting in a £1 million road project, so that people are about to go into this area.

Mr. Speaker, Sir, I am, therefore, rejecting the suggestion in (a); and in paragraph (b) the Government has made the statement that it is thinking of primary education. We know that we cannot give it free financially and no other state in Africa can do this. I think we all read the speech by Mr. Julius Nyerere, the President of Tanzania, saying that he does not see in the foreseeable future free education.

Therefore, Mr. Speaker, as time is over, I would like to continue again and tell the hon. Member that this Motion, as it stands, is financially impracticable.

ADJOURNMENT

The Speaker (Mr. Slade): It is time for the interruption of business now and so the House is adjourned until Tuesday, 17th June, at 2.30 p.m.

*The House rose at thirty minutes
past Twelve o'clock.*

WRITTEN REPLY TO QUESTION

Question No. 4

BREAKDOWN OF I.C.D.C. LOANS

Mr. Godia asked the Minister for Commerce and Industry if he would give a breakdown and the value of the I.C.D.C. loans which had been given to the various districts of Kenya since the beginning.

The Minister for Commerce and Industry (Mr. Kibaki): The loans given to each district under

“commercial”, “industrial” and “property” loan categories are as follows:—

| | <i>Commercial</i> <i>KSh.</i> | <i>Industrial</i> <i>KSh.</i> | <i>Property</i> <i>KSh.</i> |
|------------------|----------------------------------|----------------------------------|--------------------------------|
| Bungoma | 255,000 | 20,000 | 142,850 |
| Busia | 150,000 | 15,000 | — |
| Kakamega | 905,000 | 464,000 | 300,000 |
| Siaya | 185,000 | 104,000 | — |
| Kisumu | 510,000 | 294,000 | 282,500 |
| South Nyanza .. | 385,000 | 97,000 | — |
| Kisii | 435,000 | 70,000 | 175,000 |
| Turkana | — | — | — |
| Samburu | 180,000 | — | — |
| West Pokot | — | — | — |
| Trans Nzoia .. | 215,000 | 517,000 | 115,350 |
| Elgeyo/Marakwet | — | — | — |
| Baringo | 270,000 | — | — |
| Laikipia | 160,000 | 65,000 | 404,000 |
| Uasin Gishu .. | 350,000 | 140,000 | 239,000 |
| Nandi | 110,000 | — | — |
| Kericho | 260,000 | 33,000 | 524,200 |
| Nakuru | 405,000 | 421,000 | 214,750 |
| Narok | 90,000 | 114,000 | — |
| Kajiado | 30,000 | — | — |
| Nyandarua .. | 35,000 | 164,000 | 39,695 |
| Nyeri | 445,000 | 512,000 | 460,250 |
| Kirinyaga | 10,000 | 15,000 | — |
| Murang'a | 138,000 | 147,278/85 | 52,500 |
| Kiambu | 820,000 | 615,216/50 | 501,346 |
| Marsabit | 220,000 | — | — |
| Isiolo | 60,000 | — | — |
| Meru | 220,000 | 70,000 | — |
| Embu | 340,000 | 30,000 | 120,000 |
| Kitui | 170,000 | — | — |
| Machakos | 740,000 | 71,000 | 251,725 |
| Mandera | 110,000 | — | — |
| Wajir | 110,000 | — | — |

Tuesday, 17th June 1969

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

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 245

KENYA PROTECTED DISTRICTS

The Speaker (Mr. Slade): Hon. Members, I see that as the first question on the Order Paper, we have a question from Mr. Nyaberi concerning Protected Districts. As that was the subject of a full debate only last Friday, the question is now out of order as referring to a matter which has already been answered. So we have to pass on to the next question.

(Question withdrawn)

Question No. 246

LAND REGISTRATION AND CONSOLIDATION, KITUI DISTRICT

Mr. Mbai asked the Minister for Lands and Settlement to state what was delaying the Ministry in starting land registration and consolidation in Kitui District?

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. There has been no delay in starting land adjudication work in Kitui District because no undertaking has ever been given to start work there.

The only delay there has been is that of the Kitui people in asking for the work to be started in their district.

Mr. Mbai: Mr. Speaker, Sir, arising from that reply, is the Assistant Minister aware that the Kitui people also wish to gain the benefits of land consolidation and registration in the same way as other areas where this programme has been carried out, and therefore they should move to Kitui and do something?

Mr. Gachago: Well, Mr. Speaker, Sir, unless the hon. Member wishes to make me a liar, I am not aware of this yet. In accordance with section 3 of the Land Adjudication Act, the Ministry of Lands and Settlement can only apply the Act to areas of Trust Land under certain conditions, and one of the conditions is that the county council concerned, the county council of that area, makes a request for adjudication work to be commenced. So far, Mr. Speaker, no such request has been received from the Kitui County

Council, and I would like to appeal to the hon. Member to approach the county council to make a formal request, and it will be considered like other requests.

Question No. 267

LAND ADJUDICATION, MACHAKOS DISTRICT

Mr. Nthula asked the Minister for Lands and Settlement to state—

- (a) if he was aware that all the recorders, measurers and labourers in land adjudication in Machakos had been imported from Central Province;
- (b) if he was aware that those non-Kambas did not know the Kamba traditional land ownership and therefore were incapable of giving proper judgment on a land dispute;
- (c) if there were no Kambas who could be employed in those jobs including labourers.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. The answer to section (a) of the question is no, Sir.

(b) According to the Land Adjudication Act, 1968, it is not the duty of recorders, measurers and labourers to give judgment on land disputes.

(c) The Director of Land Adjudication recruits local staff required for non-technical or professional duties where possible, so that benefit from the employment provided by the work of adjudication in their district goes to these people. This is what has been done in Machakos, as it has been done in other areas.

Mr. Nthula: Arising from the answer to (a), Mr. Speaker, does the Assistant Minister know that those people, the indigenous of the area, know the boundaries, they know who was there and who was at the other end, and therefore does he think the recorders can do their work correctly, because they do not know who was the owner and who is bordering on the land at the other hand?

Mr. Gachago: Mr. Speaker, the hon. Member knows that the recorders record what they are told, and mainly by the adjudication committees. The existence of the adjudication committees is provided for by the provisions of the Land Adjudication Act, and until these recorders and measurers are given what to measure by the members of the committee and the representatives of the area, they can not do any work. They only do it when the committees have decided what is to be done. These are merely technical people who do what is required after a decision has been reached by the committee.

Mr. Godia: Mr. Speaker, Sir, arising out of the first part of the answer, no, Sir, can the Minister therefore tell the House how many recorders, measurers, and so on, come from Ukambani?

An hon. Member: Particularly the area of the hon. Member.

Mr. Gachago: Mr. Speaker, Sir, it is the knowledge of this House that people are not recruited into the service of the Government according to tribes.

Hon. Members: Question, question.

Mr. Gachago: Therefore, Mr. Speaker, we are not very keen to keep records of these people according to tribes, but for the information of the hon. Member I would like to give the following breakdown of the labour force for land adjudication units in Machakos District. There is one senior recorder from Machakos, there are 18 recorders, 11 of whom are from Machakos and only seven are from Central Province. There are 21 measures, 17 of whom are from Machakos, and only four are from the Central Province. There are 73 labourers, and out of 73, 69 are from Machakos District and only four are from Central Province. Mr. Speaker, if the hon. Members want information they have to get it in silence.

Mr. Speaker, the few from Central Province have been employed there because of their many years of experience in this work and they are—and I am saying this very seriously, Mr. Speaker—intended to assist the employees and labourers from Machakos District, in understanding land adjudication work. Everybody knows, Mr. Speaker, that fortunately, the adjudication work was started in Central Province and you find more experienced people are from the tribes of the Central Province.

Mr. Godia: On a point of order, Mr. Speaker.

The Speaker (Mr. Slade): You have a point of order?

Mr. Godia: I withdraw.

Question No. 208

RURAL HOUSING

Mr. Thimangu-Kaunyangi asked the Minister for Housing if he would tell the House what the Ministry was doing to improve houses in rural areas.

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, I beg to reply. As I explained to the House in an answer to a similar question from the hon. Karungaru last week, I have issued a policy directive which is now being implemented by the National Housing Corporation for the

improvement of housing in the rural areas. Any Kenya citizen wishing to improve or build a better house in a rural area can now apply for assistance from the National Housing Corporation, but each application will have to be considered on its own merit.

As Members will observe in the Development Estimates which have been tabled by the Minister for Finance, the Government is proposing to allocate substantial funds for the promotion of better housing in the rural areas.

An hon. Member: How much?

Mr. Ngei: Mr. Speaker, I am asked how much. It is £200,000, and it is hoped that the House will approve this Vote. Considerable effort, of which I have already told the House, is already being made in this field, in conjunction with the departments of health and Community Development and county councils. I am convinced that, as the earning capacity of the people improves in the rural areas, they will be able, with the advice of the officers in the field, to continue to build better houses using local materials, such as dressed stone, sun-dried or baked bricks, stabilized earth, timber or even *makuti* for roofing purposes. The officers of the Ministry of Housing, in collaboration with the other departments in the field, will continue to demonstrate better-type plans and simple but improved methods of building, so that the people can use their resources to the best possible advantage.

The Speaker (Mr. Slade): I agree that this question was answered and discussed in a very recent debate on the adjournment. It is really out of order to have it now and so we will pass on.

Question No. 187

COMPLETION OF OLORUKOTI *Harambee* SECONDARY SCHOOL

Mr. ole Lemein asked the Minister for Housing if he would tell the House—

(a) whether he was aware that Olorukoti *Harambee* Secondary School had been opened this year; that some buildings were not completed and that the building contractors wanted to leave at the end of the month; and

(b) if the answer was affirmative, whether he would approve Sh. 50,000 so that the Narok County Council could give the money to the said school to complete their buildings.

The Minister for Education (Dr. Kiano): Mr. Speaker, Sir, I beg to reply. I am not aware that the Olorukoti *Harambee* Secondary School has been opened this year and that some buildings are not yet complete. In fact, as far as my Ministry is concerned, the school has not been registered

[The Minister for Education]

and if it is in existence, it is functioning as an illegal school and if it continues to run without getting registered, I will take the necessary legal action against the managers for that.

(b) Unless a school is selected to be maintained by Government in accordance with the country's development plan, no funds can be used from the Ministry of Education for building such a school. As far as the county councils are concerned, secondary education is not their responsibility financially, and they cannot get authority from the Government to spend money on building secondary schools when they have not been able to put up proper buildings for primary schools in that area.

Mr. ole Lemein: Mr. Speaker, Sir, since that is the first *Harambee* secondary school in Narok District, would the Minister find ways and means of helping that school so that it can be run properly, because it is the first in the district to be by *Harambee*.

Dr. Kiano: Mr. Speaker, Sir, the first thing that the hon. Member should do is to make sure that the managers are not prosecuted. He should return there today or tomorrow and advise them to apply for registration. If he delays any further, we will have to close up the school and lock up the people.

Mr. Oduya: Mr. Speaker, Sir, knowing too well that Masailand is one area where education activities are still lacking, and in view of the fact that the Minister is also aware that the school was started but was not registered, and since the Member from the area has brought this matter to the House, and now that the Minister is aware of this, can he not make the necessary arrangements to make sure that the school is registered, and secondly approve this sum of Sh. 50,000 forthwith because we are interested in helping the Masai and not the illegalities of the school's existence?

Dr. Kiano: Mr. Speaker, Sir, I do not want the hon. Members to create any feeling that we are not sympathetic to problems of the Masai people as far as education is concerned. We are very interested indeed, but there is no excuse, for doing this the wrong way. In the first place, a county council has the responsibility for primary education in Masai country and in any other part of this nation. Secondly, the school must be registered and then, and only after that time, can the people in that area apply for the Government to give assistance from the Ministry of Education for the institution. The question is so wrongly worded because we cannot use the money of the Ministry of Local Government to assist secondary schools.

Question No. 206**EMPLOYMENT OF SCHOOL CERTIFICATE SCHOOL-LEAVERS**

Mr. Thimangu-Kaunyangi: Mr. Speaker, Sir, there is a small typing error in the following Question. It is Form IV not Form VI, and the examination is the East African Certificate of Education.

Mr. Thimangu-Kaunyangi asked the Minister for Education if he would tell the House—

(a) how many Form IV school-leavers who had sat for the East African Certificate of Education last year had been fixed in various institutions.

(b) how many of them had not been fixed anywhere.

The Speaker (Mr. Slade): If the question went into the Minister like this and he has come prepared to answer that question, he is probably not able to answer a question referring to Form IV. I do not know how you stand on this, Dr. Kiano?

The Minister for Education (Dr. Kiano): I think I assumed that the hon. Member meant Form IV, and if the answer does not satisfy the hon. Member, he may be given another chance.

The Speaker (Mr. Slade): It may just have been a misprint on the Order Paper.

Dr. Kiano: I beg to reply.

Of the 17,086 candidates who sat for the East African Certificate of Education Examination in December 1968, a total of 3,676 were found places in institutions of higher learning and further training under the Ministry of Education. 2,302 of these were admitted to Form V, while 1,374 were admitted to teachers' colleges for training as S.1, P.1 or P.2 teachers. I am unable to say how many were admitted to the various other institutions of training in other Ministries.

(b) It is not possible for me to say how many Form IV school-leavers have not been fixed up anywhere until figures of those admitted to other institutions not under my Ministry are available.

Mr. Thimangu-Kaunyangi: Mr. Speaker, Sir, knowing that our secondary school education is expanding at a very high rate, would the Minister make sure that the training institutions, such as teachers' training colleges, are expanding in proportion to the expansion of secondary schools, because even now we are short of very many teachers?

Dr. Kiano: Yes, Mr. Speaker, I entirely agree with the hon. Member and towards that we are expanding the teacher training colleges and eliminating the very small uneconomic ones and combining them with the others to make them

[The Minister for Education] into larger institutions that will be able to produce at least as many as 500 teacher trainees, instead of the small number of 200 or 250. I agree with the hon. Member.

Mr. Muliro: Mr. Speaker, Sir, arising from the Minister's reply, that he does not know how many children have been placed in other schools or in other Ministries, could the Minister consider including in the syllabus some commercial courses for Form IV leavers, so that, by the time the children leave, they will be equipped to do some clerical duties rather than hanging around the streets of Nairobi?

Dr. Kiano: Mr. Speaker, Sir, yes, Sir. Furthermore, as I indicated in a reply I gave to this House only last week, some schools have already received this kind of equipment for commercial training, and I gave even the names of such schools in one of my replies last week.

The Speaker (Mr. Slade): Next question.

Question No. 225

REVIEW OF TEACHERS' SALARIES

Mr. Godia asked the Minister for Education if he would tell the House what progress was being made in respect of review of P.2, P.3 and P.4 teachers' salaries every six months as agreed by Parliament in Sessional Paper No. 10 of 1968.

The Minister for Education (Dr. Kiano): Mr. Speaker, Sir, as the hon. Member is fully aware, due to the very hot debate we had last week, this matter is now under extremely active consideration.

The Speaker (Mr. Slade): This is another matter which has already been discussed recently, and we must move on.

Question No. 260

EXAMINATION FEES FOR SECONDARY SCHOOL STUDENTS

Mr. Shikuku asked the Minister for Education if he would tell the House—

- (a) why were the examination fees for both the East African Competitive Examination (School Certificate) and Higher School Certificate Examination being raised yearly;
- (b) under what authority of Parliament did this extra money get collected from the public;
- (c) how much money was paid to the syndicate of Cambridge University every year as a part of collected examination fees; and

(d) why were the examination fees per subject doubled from Sh. 10 to Sh. 20.

The Minister for Education (Dr. Kiano): Mr. Speaker, Sir, I beg to reply. The entry fees for School Certificate and Higher School Certificate examinations have not been raised since 1965.

The charges remain as follows.

(a) The Cambridge School Certificate Examination fees are not raised annually.

Mr. Shikuku: How much?

The Minister for Education (Dr. Kiano): I said, they have not been raised annually.

Mr. Shikuku: But, how much?

The Minister for Education (Dr. Kiano): If the hon. Member will wait I will give him all these figures.

First, Sir, I should say that the Education Act for 1968 (Cap. 211), has empowered the Minister for Education to regulate examination fees for all examinations. The Minister publishes his decision in this regard under the appropriate Legal Notices.

The breakdown is as follows.

The minimum charge per candidate at the School Certificate examination level is Sh. 40, that is Sh. 30 entry fee and Sh. 10 per subject, the maximum being Sh. 120; that means that even if you take more subjects than that you will not pay more than Sh. 120, but the minimum is Sh. 40. The total amount paid to the Cambridge Syndicate, therefore, depends very much on the total number of candidates. In 1968, we remitted Sh. 1,717,414/30 to the Cambridge Syndicate.

(d) The examination fees per subject have not been doubled from Sh. 10 to Sh. 20. The facts are that the pupils from the regularly Government-maintained schools pay Sh. 10 per subject, and the private candidate pays Sh. 20.

Mr. Shikuku: Arising from that reply, Mr. Speaker, would the Minister tell the House how much the charges for Higher School Certificate were in 1965, and what it is now, in 1968?

Dr. Kiano: Mr. Speaker, Sir, I would have assumed that these figures are correct, but if the hon. Member has some doubt I will be very willing to check and inform him. I would rather not be entangled in an argument when I do not have all the statistical information in my hands.

Mr. Shikuku: Arising from that, Sir, if he does not have the statistical information in his hands now, how does he know that the fees have not increased?

Dr. Kiano: Because the facts are that they have not been increased.

Mr. Nthula: Arising from the answer, Mr. Speaker, is the Minister aware that last month I paid for my son Sh. 180 for the School Certificate?

Dr. Kiano: That is extremely good information, Sir, and I will check that.

The Speaker (Mr. Slade): Next question.

Question No. 261

CLOSING DATES FOR EXAMINATION ENTRY FORMS

Mr. Shikuku asked the Minister for Education if he would tell the House—

- (a) what the main reasons were which led the Minister to change the closing date for the East African Certificate of Education and Higher School Certificate examinations' entry forms from May to 19th April 1969, without proper publicity to the public in this country; and
- (b) could 30th April be fixed as the standard date of the closure.

The Minister for Education (Dr. Kiano): Mr. Speaker, Sir, before I reply I would like to thank the hon. Member for Butere because I was expecting him to raise a point of order, but he has accepted my suggestion that I will give him more statistical information regarding the previous question.

Regarding this question, Sir, I beg to reply. (a) Due to the increased numbers of candidates in all the East African Certificate of Education and Higher School Certificate examinations, the Cambridge Syndicate advanced the closing date by which the entries should reach them. This, again, will help us not to be delayed and so on. As a result of this, the Ministry of Education had to advance the closing date by the same period.

The closing date was published in the normal way. Circulars were issued to the provincial education officers who were expected to send this information to all secondary schools.

It is not possible to have a fixed registration closing date now because the closing date is determined by a number of factors which I will take into consideration.

Mr. Shikuku: Arising from that reply, Sir, and taking into account, for example, Kenya, where communications are rather awkward at times, particularly in remote areas, would it not be in the interests of the students in this country, if a well-known date—as suggested here, 30th April—be the closing date so that everybody knows the closing date because if it changes all the time some of the places may get into trouble because the information communications are very, very bad?

Dr. Kiano: Mr. Speaker, I think that is a very practical suggestion and I will plan to have a permanent date so that everybody knows without changing from year to year. I think this would be much more convenient to everybody.

Mr. Lorimo: Mr. Speaker, Sir, arising from that answer, will the Minister assure us that when some matters like this come up, especially for West Pokot, where there are no communications, he will make sure that each and everybody will get it?

Dr. Kiano: Mr. Speaker, Sir, I expect the Provincial Education Officer in that area to do his job and make sure that every person involved is informed.

The Speaker (Mr. Slade): We come back to Mr. Mwamzandi's question. Mr. Mwamzandi. Any hon. Member authorized? Mr. Omar.

Question No. 268

PROMISED WATER FOR MSAMBWENI PEOPLE

Mr. Omar, on behalf of Mr. Mwamzandi, asked the Minister for Agriculture if he would tell the House—

- (a) whether the Minister was aware of the agreement reached between the Medical Officer of Health, Msambweni and the Mwaembe people who gave land for the Msambweni Water pump house free on condition that they got a tap and water free; and
- (b) if the answer was in the affirmative, why had the tap been cut.

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

No, to part (a) and secondly, my Ministry is not aware of this tap-cutting.

Mr. Omar: Mr. Speaker, Sir, arising from that reply of, no, how does the Assistant Minister know that the tap was not cut when actually, it was cut?

Mr. J. M. Kariuki: Mr. Speaker, Sir, all I can say is that before this water supply became a supply, the people of Msambweni were permitted to draw water from another tap in the hospital compound. Since the water supply became a public one, however, the hospital, like any other consumer, had to pay for the water. Therefore, the tap was closed but not cut off to public use. I understand that, at the moment the county council of the area is considering operating a water kiosk for the people to draw water by use of *debes*, and I suggest that the hon. Member should inform his constituents that this is in progress.

Question No. 247**KISASI/MBITINI WATER PIPE-LINE PROJECT**

Mr. Mbai asked the Minister for Local Government if he would tell the House how much money and technical aid the Ministry had given to Kitui County Council towards Kisasi/Mbitini Water Pipe-line project.

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

The Government made available in 1968 the sum of a £5,000 grant towards completion of the Kisasi/Mbitini Pipe-line Water Projects.

Also last year, the Government gave approval to the said council to accept, without any strings attached, the sum of £3,721 to be made available by GORTA, the Freedom from Hunger Council of Ireland, as foreign aid.

Mr. Mbai: Mr. Speaker, Sir, while appreciating the assistance the Government has given to Kitui County Council on this project, would the Assistant Minister consider giving a further grant to the Kitui County Council in order to extend this project beyond Mbitini, so as to serve other thirsty areas?

Mr. Munoko: Mr. Speaker, Sir, the Kitui County Council has already prepared three schemes for piped water supply. The first one which the hon. Member had asked about is now nearing completion. The other two will be undertaken as soon as the Kitui County Council is ready. Therefore, if the Member wants further extension, then it is up to him to put it up to the county council.

Question No. 219**RAILWAYS VERSUS ROAD TRANSPORT
COMPETITION**

Mr. Khaoya asked the Minister for Power and Communications if he would tell the House what effect the continued road usage by transport vehicles had had on the existence of the East African Railways and Harbours' transport business.

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

The road operators have taken quite a big fraction of the more remunerative traffic, mainly the transportation of petroleum products and imported goods, leaving the Railways to carry the balance at sub-economic rates. In other words, the differential charging system hitherto practised by the Railways has been thrown temporarily out of balance. As a result, the Railways have operated at a deficit during the past two years.

In an effort to halt this trend, the East African Governments have commissioned a transport

study for the whole of East Africa, which is currently in progress, with United Nations' assistance, in search of a lasting solution to the problem. In the meantime, the Railways have lowered their charges for transportation of petroleum products so as to attract this traffic from road operators.

Mr. Khaoya: Mr. Speaker, Sir, arising from the Minister's reply, especially where he said that the road operators have taken a big fraction of the business, Mr. Speaker, since the three Governments must have known that by increasing vehicles on the roads they were going to interfere with the operation of the Railways, why did the three Governments then give transport licences to these vehicles?

Mr. Nyamweya: Mr. Speaker, Sir, it is the policy of my Ministry to encourage the Africans to get into transport business.

Hon. Members: Hear, hear!

Mr. Nyamweya: All I am interested to do, Sir, is to see that we strike a happy medium, whereby the transporters who are coming into this business can make a profit, as well as maintaining East African Railways running on a profitable basis.

Mr. Mwalwa: Mr. Speaker, Sir, will the Minister agree with this House that, business is not business unless there is competition and, therefore, the Railway and the road transporters should compete?

Mr. Nyamweya: These are the views I share with the hon. Member, though I would have liked him to declare his interest.

Mr. Khaoya: Mr. Speaker, Sir, in a part of his reply, the Minister has stated that a transport study is being undertaken with a view to striking a balance somewhere. Mr. Speaker, does the Minister not agree with me that all this problem has been brought about by the increased numbers of road vehicles, and that to clear this problem is just a question of restricting allocation of transport licences on the road, and that is all? It does not require any study at all.

Mr. Nyamweya: I have, in fact, Mr. Speaker, with the co-operation of my learned hon. friend, the Chairman of the Transport Licensing Board, Mr. Gatuguta, restricted the issue of licences on certain roads where we think that the traffic is sufficiently heavy. This situation has already been taken care of.

Mr. Jamal: Mr. Speaker, Sir, would the hon. Minister not agree with me that one of the reasons why the road transport has taken a big share of this traffic is because the Railways traffic system has proved very inefficient?

Mr. Nyamweya: I would like to discuss this allegation with the hon. friend opposite, but I deny his allegation very emphatically, unless he can prove it to me outside the Chamber.

Mr. Abubakar-Madhbuti: Mr. Speaker, Sir, arising from one of the replies, when he said that his Ministry was encouraging African transporters, then why should the Railways discriminate against African transporters by distributing goods only to Kenatco?

Mr. Nyamweya: Mr. Speaker, Sir, Kenatco is a Government-supported, or sponsored company. For that reason, the Government has every reason to see that Kenatco gets business. This, of course, does not mean that if the hon. Member, or any other transporter who wants business cannot get it from East African Railways.

Mr. Muliro: Mr. Speaker, Sir, would the Minister not agree with me that the Railways have lost business because Kenatco, being a Government organization, the Government uses its influence, probably, to give business to the Kenatco rather than to the East African Railways which is the responsibility of the three Governments?

Mr. Nyamweya: Mr. Speaker, Sir, I do not wish to agree with the purpose of the question, or the meaning contained in that question. Whatever Governmental pressure of influence is applied to the East African Railways is, in my view, a proper one because the Government has a stake in Kenatco.

Mr. Khaoya: Bearing in mind the importance of the Railways system in any country, particularly for the economic development of a country, could the Government—bearing that in mind—review their position with a view to giving, say, the Railways their proper share in East Africa?

Mr. Nyamweya: Yes, Mr. Speaker, Sir, I agree with the hon. Member and that is why there is this transport study. As soon as the recommendations have been studied by the East African Governments, measures will be taken to help the East African Railways.

The Speaker (Mr. Slade): Next question. Mr. Nyaberi.

NOTICE OF MOTION FOR THE ADJOURNMENT

MATTER OF REPLY TO QUESTION No. 219:
RAILWAYS VERSUS ROAD TRANSPORT

Mr. Thimangu-Kaunyangi: On a point of order, Mr. Speaker, I would like to raise this matter on adjournment if the hon. Questioner allows me to do so.

The Speaker (Mr. Slade): Yes.

Question No. 244

TITLE-DEEDS FOR LOAN REPAYMENTS

Mr. Nyaberi asked the Minister for Lands and Settlement if he would tell the House why it was difficult to obtain a title-deed for a plot-holder in a settlement scheme who could afford to pay off all his loan repayment for land instead of continuing for 30 years as laid down.

The Assistant Minister for Lands and Settlement (Mr. Malinda): Mr. Speaker, Sir, I am grateful to the hon. Member for raising this question. I crave the indulgence of the House to allow me to reply fairly fully.

Mr. Speaker, Sir, before a title-deed can be issued, each parcel of land must be planned and demarcated. It is extremely expensive for the Department of Survey to carry out survey on the ground of individual plots demarcated.

My Ministry has, therefore, accepted the cheaper method of survey of plots on settlement schemes by air. The plots are surveyed by air as and when all the settlers in a particular scheme have perimeter fenced their plots according to the boundary lines shown on the ground by a plough line and agreed by and between the settlement officer and the plot-holder.

When such aerial survey is completed, the Director of Surveys prepares deed plans for each plot and thereafter the Commissioner of Lands issues a title-deed annexing the deed plan showing the exact area and boundary of the plot-holder.

It is not practicable to put the above policy into effect because most of the settlers have not perimeter fenced their plots which would not show on the map.

In the circumstances, therefore, even if a plot-holder in a settlement scheme can afford to pay off his loan for land instead of continuing repaying for 30 years as laid down, the Settlement Fund Trustees cannot issue a title-deed to such a plot-holder until his settlement scheme can be treated as a whole unit.

However, in schemes where the plot-holders have completed perimeter fencing an aerial survey has been carried out, deed plans have been prepared and the Commissioner of Lands is in the process of issuing title documents, subject to charges being entered in favour of the Settlement Fund Trustees in the register under the Registered Land Act 1963, to replace the temporary Letters of Allotment already issued.

Any plot-holder who wishes to pay off his land loan in full is always welcome to do so, and can save interest for the remaining period of his loan.

[Mr. Malinda]

After such payment, he is given an explanatory letter cancelling all the charges contained in the Letter of Allotment and removing any encumbrances registered against the plot. The Letter is acceptable as good security for raising loans from commercial banks.

Mr. Nyaberi: Mr. Speaker, arising from that lengthy reply, and arising also from the answer, that unless some of these plots are properly fenced the Settlement Fund Trustees cannot issue a title-deed, would the Assistant Minister now tell the House, since settlement schemes started in the Republic, of any area, any single settlement scheme where such fencing has been done and there has been issue of title-deeds?

Mr. Malinda: Mr. Speaker, yes, Sir. Fencing does not necessarily mean wire fencing. If a plot-holder puts in a hedge which it is possible to photograph from the air by the aircraft when they are doing the aerial survey, that is a good enough boundary line which can be shown on the map and this would enable the plot-holder to get his title-deed.

Mr. Bala: Mr. Speaker, Sir, what is the Ministry planning to do in areas where we grow sugar-cane in the settlement schemes, where there is no fencing? What is the Ministry planning to do in such cases because you cannot have aerial photographs to show the fences in sugar-cane schemes? What are you going to do about the issue of title-deeds in these areas?

Mr. Malinda: Mr. Speaker, Sir, well, as soon as the plot-holders have paid off all their loans, they will be issued with title-deeds, subject, of course, to survey being carried out on the ground, on the strength of the settlers having paid off their loans.

Mr. Kago: Mr. Speaker, Sir, arising from the original answer, and remembering very well that it was only, I think, a month ago when some of the settlers in Nyandarua District were asked to sign for their title-deeds, would the Assistant Minister indicate to this House when we can expect these title-deeds because we need them very badly?

Mr. Malinda: Mr. Speaker, Sir, it must be appreciated that the preparation of these title-deeds is a fairly lengthy process, and for the settlers in Nyandarua Settlement Scheme I can only say that if they wait a little longer they will be able to get their title-deeds. Sir, it takes quite a lot of time to prepare these and enter the charges under the Registered Land Act in the Registrar of Lands' office.

Mr. Makone: Mr. Speaker, Sir, since getting title-deeds is a means of enabling the farmers to get loans, would the Minister take into account that if the farmers wish to get extra loans—more than the ones usually given—things will be accelerated for them to get their title-deeds? Will you make provision for a farmer to get extra loans other than the one usually given?

Mr. Malinda: Mr. Speaker, Sir, I do not know whether the Member wants my Ministry to be asked to give more loans than those that have been approved for particular settlement schemes. If that is what he is saying, I can only say that is not practical.

However, if he is asking me to allow the settlers to raise loans elsewhere on the strength of the Letter of Allotment which they have been issued, then this is beyond my control, it is a matter between the settlers and the financing institutions which the settler wishes to raise the money from. If a given financial institution agrees to take a second mortgage on the land, fair enough, it is open to him to do so.

The Speaker (Mr. Slade): I think that is really another question.

QUESTIONS BY PRIVATE NOTICE

FIGHTING FOOT-AND-MOUTH DISEASE QUARANTINE: SOUTH NYANZA

Mr. Mbeo-Onyango: Mr. Speaker, Sir, I beg to ask the Minister for Agriculture the following Question by Private Notice.

Since South Nyanza County Council is experiencing financial difficulties because of poor collection of school fees and graduated personal tax, and since the council had set June 30th 1969 as the last date for the payment of school fees, would the Minister lift the quarantine for Foot-and-Mouth disease which is now preventing people from taking animals to the markets for sale in this district?

The Assistant Minister for Agriculture (Mr. Kariuki): Mr. Speaker, Sir, I am afraid the answer to this question is, "No".

While my Minister appreciates the financial difficulties of the South Nyanza County Council, we cannot agree to lift the quarantine which has been imposed to prevent the spread of Foot-and-Mouth disease not only just around Nyanza Province but also to other districts in Kenya.

Mr. Mbeo-Onyango: Mr. Speaker, Sir, arising from that answer, is the Assistant Minister aware that this quarantine has been in effect for the last four to five months—from the date it was enforced—in South Nyanza and it is time it was lifted?

Mr. J. M. Kariuki: Mr. Speaker, the position is not the question of duration but how long it takes to control the spread of this disease throughout the district. It has actually been established that since we imposed the quarantine on 29th of March this year, there are still a lot of signs of this and, therefore, we do not feel that it is absolutely necessary for us to lift the ban, not until such time as the Ministry is absolutely sure that there will be no other threat to the cattle in South Nyanza and other surrounding districts.

Mr. Omweri: Mr. Speaker, Sir, would the Assistant Minister tell us what treatment has been taken to South Nyanza for the sick animals so that we can get rid of this problem in the area, and also in the other areas to which he is referring? What treatment is there?

Mr. J. M. Kariuki: Mr. Speaker, the officers of my Ministry who are in the field now are continuing treating the animals which are affected by Foot-and-Mouth disease, but hon. Members should know that Foot-and-Mouth disease is not something whereby we can go and tell the people that this is what we call Foot-and-Mouth disease. The officers in charge of treating the disease have told the Ministry that the germs are still in the area and the quarantine must continue until such time that the officers feel there is no threat to the animals, not only in South Nyanza alone but also in other districts around South Nyanza.

Mr. Mbeo-Onyango: Mr. Speaker, is the Minister aware that Foot-and-Mouth disease has no proper treatment, and that the disease has now passed from one animal to another and we in the district know that it is now over and the quarantine should be lifted?

Mr. J. M. Kariuki: Mr. Speaker, we would be very impressed if we had a lot of capable veterinarians in South Nyanza telling us that the disease was over, but according to our experts, who have real qualifications—not bush qualifications—the disease is not over yet.

ADMISSION TO TENGES *Harambee* SECONDARY SCHOOL

The Speaker (Mr. Slade): Next question. Mr. Cheboiwo, I understand you want to withdraw this question?

Mr. Cheboiwo: Yes, Sir, for the time being.
(*Question by Private Notice withdrawn*)

MINISTERIAL STATEMENT

REPLY TO QUESTION NO. 187—CORRECT
NAME OF OLORUKOTI *Harambee* SCHOOL

The Speaker (Mr. Slade): You had a statement to make, I think, Dr. Kiano?

The Minister for Education (Dr. Kiano): Mr. Speaker, Sir, this is just in reference to Question 187.

The Speaker (Mr. Slade): Mr. Lemein's question?

The Minister for Education (Dr. Kiano): That is correct, Sir. I find that after further study of this question, I want to make it easier for the hon. Member. The school which he calls Olorukoti *Harambee* Secondary School is not registered as such, but there is a school called Kilgoris *Harambee* Secondary School, and if that is the one he is referring to, that one is registered. If, however, he wishes to have the name changed from Kilgoris to Olorukoti, then what he has to do is to make formal application to the Ministry. Kilgoris Secondary School is registered, and we have nothing on our books about this other Olorukoti, and I believe he means the same thing.

PERSONAL STATEMENT

RENTING OF SHOPS BY CITIZENS IN INTER-CONTINENTAL HOTEL

The Speaker (Mr. Slade): Dr. De Souza, you have a personal statement?

Dr. De Souza: Mr. Speaker, Sir, in the debate on the Vice-President's Motion, I made the point that trade licences in all new buildings, such as the Hilton and the Inter-Continental, should be given to Africans and citizens only, and I thought the Inter-Continental had all non-citizen shops. I am happy to inform the House that my friend, the hon. Mr. Jan Mohamed, who is the Chairman of the Inter-Continental Hotel, has told me that, in fact, he took great care of this, and insisted that these shops be rented to citizens only. He informed me that except for one shop, which is rented to a bank, all are rented by citizens or citizen companies.

Mr. Speaker, Sir, I am happy to stand corrected in regard to the Inter-Continental Hotel, and I hope the same policy will be followed in regard to all new commercial buildings in Nairobi and elsewhere in Kenya.

NOTICE OF MOTION FOR THE ADJOURNMENT

FREQUENT RAIDS BY TURKANA ON POKOT

The Speaker (Mr. Slade): I would remind hon. Members that on the adjournment today, Mr. Kassa-Choon is to raise the matter noted on the Order Paper.

POINT OF ORDER

REASON FOR QUESTION BECOMING OUT OF
ORDER—ALREADY ANSWERED

Mr. Nyaberi: On a point of order, Mr. Speaker, I apologize that I was not in the House at the time, but I do not know whether my first Question, No. 245, was answered.

The Speaker (Mr. Slade): No, Mr. Nyaberi. I explained to the House before you came in that we have a rule that questions should not be asked if they have already been answered during the same session. Now, at the time you put this question in, it was in order, but it was answered fully in the course of a debate on a Private Members' Motion last Friday, and so it became out of order.

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 STATUTE LAW (MISCELLANEOUS
AMENDMENTS) BILL

(Clause 2 agreed to)

Schedule

The Attorney-General (Mr. Njonjo): Mr. Chairman, I beg to move:—

THAT, the Schedule to the Bill be amended by inserting immediately after the item relating to the Streets Adoption Act (Cap. 406) of the following new item:—

The Export Duty Act—(Cap. 482)

s. 6A.—Insert a new section as follows:—

Commencement.—6A. This Act shall be deemed to have come into operation on 1st May 1964, and it is hereby declared that any export duty or purported export duty raised, levied, collected or paid in respect of any exportation of sisal or coffee on or after the said date shall for all purposes deemed to have been validly and lawfully raised, levied, collected or paid under the provisions of this Act relating thereto.

Mr. Chairman, we passed a resolution in this House before the amalgamation of the two Houses, namely the Senate and the Lower House; that is, we passed the resolution in this House, but when I moved the amendment in the Senate, there were some difficulties and delay and, as a result, the resolution which had been passed in this House was time-barred. Therefore, some sisal

and coffee people were claiming that the duty was not lawful. This is merely to cover that point. We should have been covered but for the delay in the Senate.

(Question of the amendment that the words to be added be added proposed put and agreed to)

(New Clause read the First Time)

(Question that the new Clause be read a Second Time proposed put and agreed to)

(Clause 6A read a Second Time)

(Question that new Clause 6A be added to the Bill proposed put and agreed to)

(Schedule as amended proposed)

Mr. Ondiek-Chillo: Mr. Chairman, I wish to move that the Schedule of the Bill be amended by deleting the whole subsection relevant to the Estate Duty Act. Section 7 reads: "Insert a new subsection as follows—(a) This section shall not apply to His Excellency Mzee Jomo Kenyatta, First President and Commander-in-Chief of the Armed Forces of the Republic of Kenya."

Mr. Chairman, my reason for moving an amendment that this section be deleted is this: do I understand that all future Presidents will be called Mzee Jomo Kenyatta, or what will they be called? Any Constitution of the country is not enacted for any particular person. Anybody who has the feeling that I am quarreling or criticizing the person of the President Mzee Jomo Kenyatta is wrong. In fact, the person who might have inserted his name here is the one who should take the blame. We believe that the present President will be there for a time, but he will not be there for ever. In the future, there will be other Presidents whose names will not be Mzee Jomo Kenyatta, but if it is believed that future Presidents will inherit this name of Mzee Jomo Kenyatta, there is reason for inserting this particular clause. However, if future Presidents are not going to be called by the same name, then this clause is being enacted to suit the present President, which means that when the present President has gone, then this clause will have to be amended accordingly. This is wrong, Mr. Chairman.

The President always talks about building the nation. How do we do that? We build the nation through taxation. If all the wealthy people are exempted from paying taxes, how shall we build our nation?

An hon. Member: Terrible.

Mr. Ondiek-Chillo: Are we building our nation with words? No. We build our nation with the taxes we pay, and the person who should lead in this respect should be the President. In fact, at present he is not being taxed according to his salary. He is exempted. With the wealth which might have been derived as a result of this exemption of taxation, what would be wrong in passing over whatever the President had after his death?

Mr. Chairman, this is a developing country, and as such everyone should be ready to contribute, and this is what we call contribution. This would be a substantial contribution. I am not convinced as to why this particular clause should be inserted just to suit an individual. This is wrong, and if this is passed, eventually we shall have another clause for the Attorney-General; then we shall have one for the Ministers; there will follow one for the Assistant Ministers and after that there will be one for the Members of Parliament. This is wrong, and if we are genuine in what we say, if we are genuine in abusing others who want free things, we should realize that this is a place where someone can escape with things freely. This is wrong.

Mr. Chairman, at the same time, a Constitution should not refer to a person particularly. This is wrong. I have always said that the Constitution of the country should guide our country, even when we have gone, even when we are dead. The Constitution should help others in the future. It should not be a Constitution which is in existence for one year, and then the following year it is amended to suit Ondiek-Chillo, the following year it is amended to suit the hon. Munoko. That is not right.

I feel that this is very wrong. I do not have any personal grudge with the President at present, Mzee Jomo Kenyatta, as far as this is concerned, I feel he should show the lead in this respect. As far as I know, the President is very wealthy—

Hon. Members: How do you know?

Mr. Ondiek-Chillo: All this wealth should be taxed so that we build the nation financially, so that we build the nation with all the means at our disposal.

The Chairman (Dr. De Souza): Where is this?

Mr. Ondiek-Chillo: Mr. Chairman, on page 34 it explains what will happen as far as Estate Duties are concerned, and the ordinary man—

The Chairman (Dr. De Souza): Yes, but you are referring to the tax on estate duty. We are now discussing other things.

I am not discussing other things. What I am discussing is that it would be a good idea when the President is dead, that all the estate duty is

imposed on him as it is done to others, because the "golden rule" says, "Do unto others what you would like them to do unto you." If the President would not like his estate to be taxed after his death, then other persons' estates should not be taxed when they are dead, because they will be leaving their families who should be cared for. This is not actually taking all that the President might leave after his death; this is just taxing a bit of the wealth that he might be having.

Mr. Chairman, I feel that, if I do not go long into this, it would be very ideal if this particular clause were deleted, but if the Members should not agree, that this particular clause should be deleted as such, according to my amendment, then it is obvious that a future Government will have to amend this. This is obvious because, the future President will not be Mzee Jomo Kenyatta, and this is why this particular clause should be deleted.

Mr. Chairman, I beg to move that this particular clause, be amended by deleting the whole clause.

(Question of the further amendment proposed)

Mr. Bala: Mr. Chairman, I fully agree with my colleague, Mr. Chillo. In fact, Mr. Chairman, what we are discussing here is not the salary of His Excellency the President, it is all that he might have as a human being, including his *shamba*, or any building he might have which may be earning revenue. Mr. Chairman, to say that he should be exempted from paying estate duty, and when we know very well that His Excellency the President is an African socialist according to Sessional Paper No. 10, is very wrong. Now, Mr. Chairman, if African Socialism is according to Sessional Paper No. 10, why should he not be treated like other socialists? Why should he give an impression that he is the only socialist in Kenya, when he is a big capitalist, according to the impression he is giving to the whole world?

Mr. Chairman, this is a very wrong assumption, and if our President, is a leader of Kanu as a party, which has a big bible called Sessional Paper No. 10 on African Socialism, he should serve as an example. It is no use, Mr. Chairman, of giving people lip service by pretending to be a socialist when you do not mean what you are talking about. Therefore, I think, even the President himself would be offended very much by somebody trying to give him free estate duty, when his policy, in fact, is not for all these free things, Mr. Chairman. We have been accused in KPU that we want free things, while here is a case where the head of Kanu as a party, is being forced to have some free estate duty. This is, Mr. Chairman, something which is so ridiculous that if, in the countryside, the people happen to hear that the

[Mr. Bala]

head of Kanu as a party advocating a free gift, this is very wrong, and I think the Attorney-General will see sense. Such a thing should not actually have precedent in this Chamber because, as it said, he is the first President, and so he should be the first to give a good example as President, with no precedents to make in this country for advocating free estate duty, free duty for his farm, and free duty for all his income.

Mr. Chairman, this is very wrong, so, I beg to support my colleague.

The Attorney-General (Mr. C. Njonjo): I beg to move that the question of the amendment be now put .

(Question of the further amendment that the words to be left out be left out put and negated)

(Question of the Schedule as originally amended proposed and put)

The Chairman (Dr. De Souza): I think we should have a Division, just in case of any doubt; I will put the question again. Hon. Members must realize that I have to try and gauge the voice vote accurately, and I will do it again this time, but not again.

Mr. Odinga: Mr. Chairman, I want to ask this to be clarified. I want to know from this House, and from here, whether President Kenyatta asked that he wanted to have free estate duty, that that should be included.

The Chairman (Dr. De Souza): Mr. Odinga, we have already passed that.

Mr. Odinga: I think it should be explained, because this is a very serious thing. We are not going to—

The Chairman (Dr. De Souza): I am sorry I cannot do that now. You had a chance to speak, but you did not speak.

Mr. Odinga: I had a chance, but, you know, you went on very quickly for it is a very important thing.

The Chairman (Dr. De Souza): No, I am trying to be fair and give everybody a chance. You can raise it on the Third Reading if you want to. I will put the question again.

(Question of the Schedule as originally amended put and agreed to)

Mr. Ngala-Abok: On a point of order, Mr. Chairman, why was the question put for the second time?

The Chairman (Dr. De Souza): Well, I put it because I thought there was probably some misunderstanding and, therefore, it could not be fully understood.

(Title agreed to)
(Clause 1 agreed to)

THE AFFILIATION (REPEAL) BILL

(Clauses 2 and 3 agreed to)

(Title agreed to)
(Clause 1 agreed to)

The Attorney-General (Mr. C. Njonjo): Mr. Chairman, I beg to move that the Committee doth report to the House its consideration of the Statute Law (Miscellaneous Amendments) Bill and its approval thereof with amendment, and the Affiliation (Repeal) 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 STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL

Dr. De Souza: Mr. Speaker, Sir, I am directed by the 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): There is only one small rather non-contentious amendment. Would you like to move the consideration of the Report now?

CONSIDERATION OF REPORT AND THIRD READING

The Attorney-General (Mr. C. Njonjo): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Minister for Education (Dr. Kiano) seconded.

(Question proposed)
(Question put and agreed to)

The Attorney-General (Mr. C. Njonjo): Mr. Speaker, Sir, I beg to move that the Statute Law (Miscellaneous Amendments) Bill be now read the Third Time.

The Minister for Education (Dr. Kiano) seconded.

(Question proposed)

Mr. Ondiek-Chilo: Mr. Speaker, I just stand to warn any person who is in charge of drafting this amendment, that any Constitution which is amended to suit an individual will be a wrong Constitution. I am standing to warn that such amendments will not lead the country to stability. For example, the one which has just been passed of bringing an amendment that one particular person be exempted from paying estate duty, whereas the rest of the people in the country would be subject to paying this. This is wrong, and I just stand so that it should be put on record and this is wrong, and it is a very wrong way of dealing with the affair.

Mr. Speaker, I beg to oppose.

Mr. Odinga: Mr. Speaker, Sir, I also rise to register my greatest protest to these amendments in this Bill, because we have been very worried about corruption in this country. If it is that this House appears as if it is trying to corrupt those people who are in high positions, like the President, by giving them what they call precedence, or something which is a precedent, which will be subject to criticism later on by people when they come here, I do want to make my position very clear that I do not—and those who think like me—support this exemption of the President from paying death duties or any charges on his estate after his death. I do not support it and those who later on may challenge this will meet with my approval and I will support them very strongly.

Mr. Shikuku: Mr. Speaker, Sir, I know that the Bill is now going through its Third Reading, but I did hint to the Attorney-General, in the course of the debate on the Second Reading of this Bill, that I intended—and I think I was the first person to make the point about this precedent—to move an amendment. I made it very clear that I have nothing against the present President, but I think that it should be that all the Presidents should be exempted from this. This is a question of principle and not a question of what is there now, or what I feel like now, but it is what the future generation will think about future Presidents. I made this very clear and I thought that I would have time to move an amendment. Unfortunately, Sir, there was a Parliamentary Group meeting on this morning which lasted up to some minutes past one o'clock, and I was late to submit an amendment that this should apply to future Presidents as well as the present President. However, it is never too late, and for those Opposition Members who are now shouting at the top of their voices, this is all I can say, that I look forward to an amendment in future, because this is not the final amendment to this Bill, which will incorporate this. If you look

back in history you will find that the hon. Rapondi moved in this National Assembly.

An hon. Member: Who is Rapondi?

Mr. Shikuku: Mr. Oginga Odinga Rapondi moved things in this National Assembly when we were in the other Chamber and whenever we opposed this or that were actually frustrated. He stuck on because he was the man of the day. He should know that the world changes and sometimes it may so change that he will no longer be in this House.

Now, Sir, I only hope that the Minister concerned will bring a future amendment so that we have all the Presidents in future be exempted from this. I can see him nodding in agreement to this. In this spirit, Mr. Speaker, let us not look at the present, but let us look further to the future, to our future generations rather than to ourselves.

With these few remarks, Mr. Speaker, I would only like to submit very strongly to the Minister that by having so many miscellaneous things we get completely confused. We had these amendments to the Kenya Constitution and which were coming in piecemeal, and we ended up in not knowing what the Constitution was, despite the fact that some of us took part in drafting the Constitution. We were at sea, but I am glad now that the Constitution is in one piece. I do not know when we are going to get those copies; I do not know when, and I hope the Attorney-General will tell us when he will give us the whole Constitution.

These piecemeal amendments are very difficult, Mr. Speaker. One thing is that they are very cumbersome to study and very many Members have a hell of a time. It requires about three hours to go through all these amendments because they come in piecemeal; we have to go to the library and refer to one book after the other, and some Members just prefer not to worry about it. There are very dangerous clauses in these miscellaneous amendments; delete that or do that or the other, to which we do not pay very great attention. We will live to regret this at some later date when the clauses are finally put together and we find that we have passed terrible things and I hope we will regret that. I do not think the Attorney-General should be the architect of such misfortune. He should bring in all these miscellaneous amendments and then give us a lot of time to study them and pass them so that we do not pass laws that will hurt our future generations.

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

Mr. Munyi: Mr. Speaker, in actual fact, I do not want to say much but what I want to say is to give my blessing to these amendments because when you compare the other countries in East Africa, namely Tanzania and Uganda, you see that we are ahead of those other countries in East Africa. Therefore, all I would like to say is to pay tribute to our very dynamic Attorney-General who took action to see to it that he brought these amendments at the right time. These amendments, Mr. Speaker, Sir, were brought at a time when the people throughout the country were waiting for such amendments.

Mr. Speaker, Sir, to come to another point, I very fully disagree with the hon. Shikuku when he says that he should have brought an amendment so that it included future Presidents. What can happen if tomorrow an imposter comes and says that he is the President of this country? We should have already committed ourselves. Therefore, that does not arise because it is likely—as it has been happening in other countries—that a monster will be the future President of this country. This shows that such a monster will not have any mandate from the members of the public, from the masses. Therefore, Sir, all that I want to say is that the amendment, as it stands, is the correct amendment. Our country is a very young country but we have already demonstrated, in no uncertain terms, that we are a democratic institution about which Kenya is teaching other countries in Africa, for that matter in the world, and we are an institution which will be followed by other countries, even advanced countries in Europe and America, and even the Asian countries. We must be proud of this and we must stand very firmly to demonstrate to the world that the only thing we can give to them is not only *harambee* or our traditional and customary institutions, but we can give them an example in very many other fields: in the field of law, in the field of amendments to—

The Speaker (Mr. Slade): You are getting rather far away from the point now, Mr. Munyi.

Mr. Munyi: Therefore, Mr. Speaker, Sir, I do not want to labour much on this but all I want to say is that in the past we were always having arguments and I was threatening as to what might happen if an amendment is moved in this House, but at the present I am very happy and in future I hope that we will follow the same procedure. That is the procedure which we were following in accordance with the *harambee* spirit, and this *harambee* spirit can be applied in all fields, and we have already applied this. Even the Members of the Opposition—my good friends—are very much in support of these amendments; that is

the good Leader of the Opposition because even when he spoke he did not speak against this, he spoke for this.

Mr. Speaker, Sir, with these few remarks, I am appealing to even the Leader of the Opposition to join our side, Kanu, so that we shall build a very strong and dynamic nation—

The Speaker (Mr. Slade): That is very irrelevant, Mr. Munyi.

Mr. Munyi: Mr. Speaker, Sir, I beg to support very fully and to give 100 per cent blessing and I think it will also get a blessing from heaven and from God.

Dr. De Souza: Mr. Speaker, Sir, I would like to say how happy I was at the Committee Stage to see that the Government is not proceeding, at this moment at least, with the extension of the death penalty in cases of robbery with violence. For those of us who take part in debates in this House, it is very heartening to note that Government Ministers are so aware of the feeling of the House, and of people outside, that they are willing to listen to people when they speak and they are willing to make amendments accordingly.

I am sure the Attorney-General is reconsidering this matter very actively and I would like to recommend to him what I did earlier on: that is to appoint a commission to inquire into the whole question of penalties and the death penalty. We have had two very successful commissions recently: one on marriage and divorce and the other one on the law of succession. They have done a wonderful job on this and I think their reports will be discussed very shortly. I would like to recommend to him that this is one question to which this might be applied because, after all, the lives and deaths of individuals will depend on this, and the question of law and order is very vital to us as well. I would very strongly recommend to him to consider this question of a commission—perhaps with very few people—to go into this very fully and to come out with a report that we can all consider and support.

I thank him again very much, Mr. Speaker.

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

The Attorney-General (Mr. C. Njonjo): Mr. Speaker, first of all may I say that I do not have any apology for introducing this amendment as far as our President is concerned. I do not think this nation can pay enough tribute for the work that our President has done to our country. Only the other day we passed a piece of legislation in this House giving a small pension to a civil servant by the name, I think, of Odongo, who

[The Attorney-General]

had done some work in this country, and we only did this in recognition of what he has done. I see absolutely nothing wrong with making this concession as far as our President is concerned. There is no use in some Members confusing this legislation with corruption; there is nothing corrupt about this. This legislation is being passed by this House in daylight this afternoon. Where does corruption come in? Everybody seems to think of corruption in his own bedroom.

Mr. Ondiek-Chillo: Corruption by legislation.

The Attorney-General (Mr. C. Njonjo): Well, Sir, if it is corruption by legislation, this House has passed it and, as I say, I am satisfied that there is nothing wrong with this legislation. We have made similar enactments now and again to pass legislation in recognition of individual's service. I have accepted what the hon. Shikuku said and this matter can be reviewed later on. For hon. Members, particularly in the Opposition just to condemn and ask where we have authority to introduce it, is wrong. When I bring legislation here, it is not me personally who is bringing the legislation here; it is a matter which has been considered by the Government and my friend, the hon. Oginga Odinga, should know this because he was a Member of the Cabinet at one time and he has moved Bills in this House. I am sure my friend will not say that he was moving them here in his own personal capacity. I am merely a pipe, as it were, to pass on rules and legislation which have the backing of the Government.

As far as my learned and hon. friend, Dr. De Souza, is concerned, I am not satisfied that there is any necessity for creating a commission. We know what the problem is. We know about the *panga* gangs, and I am sure they do not organize a commission before they go out to attack people during the day and rob them. This is a problem which is well known and all we have to do is to think how it can be eradicated. I am, myself, satisfied that capital punishment is a deterrent, and I am sure if these thugs know if they commit these offences they are going to be sent to the gallows I am sure there will be less offences of this nature.

I have withdrawn the amendment in this particular legislation because I wanted to give more time to the Members to think about it. I have not withdrawn it because I am thinking of a commission. I think a commission could not do any work which I and hon. Members in this House cannot do.

I beg to support.

(Question put and agreed to)

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

REPORT AND THIRD READING

THE AFFILIATION (REPEAL) BILL

Dr. De Souza: Mr. Speaker, Sir, I am directed by a Committee of the whole House to report its consideration of the Affiliation (Repeal) Bill and its approval thereof without amendment.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Minister for Lands and Settlement (Mr. Angaine) seconded.

(Question proposed)

(Question put and agreed to)

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to move that the Affiliation (Repeal) Bill be now read the Third Time.

The Minister for Lands and Settlement (Mr. Angaine) seconded.

(Question proposed)

Mr. Munyi: Thank you very much, Mr. Speaker, for giving me this opportunity to comment on this controversial Bill.

Mr. Speaker, Sir, what I am going to do this afternoon is to appeal to the womenfolk in the Republic of Kenya that a general election is coming and it is high time women should come forward in order to be represented in this House, Mr. Speaker, they will be in a position to defend their own affairs. Mr. Speaker, Sir, we have been trying to defend the affairs of women in this House but it is a foregone conclusion that if we had a good number of women in this House they would be fully defended.

Mr. Speaker, Sir, another point is I would like to comment on what other Members have already said, in that it is a known fact, and one which is as clear as daylight, Mr. Speaker, that this Bill is going to be law. When it becomes law it is going to help Members of the House who have been raising many questions in the House as to what can happen.

To come to another point, Mr. Speaker, I hope by passing this particular Bill the industry which was a sort of illegal industry—the prostitution industry, Mr. Speaker, is coming to an end. This was an industry which had no licence, and which had no permit. It is true there are some girls in this city, or in Nakuru, Mombasa, Eldoret, Kitale, Kisumu, who thought that by establishing a new industry they could now succeed. They started misusing the Act in existence before, and which

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is going to be abolished today, and they started an industry of their own. I think this industry will not continue, Mr. Speaker.

Hon. Members: What kind of industry?

Mr. Munyi: Mr. Speaker, Sir, they are asking me what kind of industry this is, and I am telling them it is the industry of prostitution. No one needed a licence for this particular industry.

Mr. Speaker, I met some tourists on one occasion who had come to this country, and they told me when they went to Nairobi, or Mombasa they would find some girls and the tourists would then contribute something towards the particular industry. By repealing this Bill, Mr. Speaker, I am sure this industry is coming to an end. The sooner it comes to an end, the better. I do not know, it is only the Minister for Commerce and Industry who could tell us how much we used to receive from this particular industry every year. No one knows. No one has the statistics. Therefore, Mr. Speaker, if a person was in a position to tell us what we used to receive from the industry we could consider this man for a medal. This information is not available, Mr. Speaker.

Mr. Speaker, Sir, we should not attempt to be even a little selfish for one single minute. Mr. Speaker, if we are not selfish then I am sure, and I would like to give an example, if we had at least two women members in this House, neither of them would have agreed to repeal this Bill. I know this for a fact, Mr. Speaker. The other day the women were parading themselves. I hear they have started concentrating their forces to see to it that during the coming General Election they will move forward with all their forces behind them. I am sure, Mr. Speaker, and I ask the hon. Attorney-General the other day, if he knew that more than half of the people who had the vote in this country were women? The answer the Attorney-General gave me was that it is true; they are more than half. What would happen, Mr. Speaker, if they organized themselves in order to return at least one quarter of the Members to this House, or half?

I know something has started. I think in the constituency of hon. Lubembe, Starehe, hon. Njonjo mentioned that one woman should stand there. I would like to appeal to the women to have as many seats as possible so that when they come to this House they can exchange views with us, and we will all then speak in the mutual language of understanding. I am sure they are going to succeed, Mr. Speaker.

The Assistant Minister for Education (Mr. Mutiso): Don't forget Yatta.

Mr. Munyi: My good friend the hon. Member for Yatta knows if a woman stands then she will stand somewhere in Yatta. Mr. Speaker, Sir, their forces are concentrated in the big towns, and I am a man from the rural areas, I think the hon. Member should be aware of this.

Mr. Speaker, Sir, what I should like to tell the hon. Member is that first of all the operation should start in the big towns, and having started there, then it should be extended to rural areas.

The Speaker (Mr. Slade): Order! No, Mr. Munyi, we are becoming irrelevant now. You have a relevant point, I think, that, in discussing a Bill of this kind where women have a particularly strong view, and probably their own interests, it is very desirable that they should be represented in this House. You have made that point very clear, and we will not now discuss just how they are going to be represented.

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

Mr. Speaker, I know they are now organizing themselves and I would like— Mr. Speaker, Sir, I know you are a man of democratic views and ideas and you will even support them. Mr. Speaker, Sir, I will even come forward and support them. I will support at least one quarter of women Members coming to this House.

The Speaker (Mr. Slade): Order! Mr. Munyi, you can leave that point I think. You have made it very clearly, and it is going to become irrelevant or repetitive if you talk any more about it.

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

What I would like to say is to give my blessing to this particular Bill, and I know it has become rather controversial but it does not matter whether something is controversial or not, but what matters, Mr. Speaker, is that it is something which has been approved by the majority of the Members, and the support has included the Member from Butere. I know the other day I saw him outside and I know he is a man who always would like to apply democratic ideas and views, and I am sure he will not oppose the idea of having women members in this House.

With these few remarks, Mr. Speaker, Sir, I beg to give my blessing to this Bill.

Mr. Omar: Mr. Speaker, Sir, I would like to start by saying it was very unfortunate that I did not catch Mr. Speaker's eye during the Second Reading of the Bill. If I had, Mr. Speaker, then I would have opposed this Bill because the reasons given by the Mover, who was the Attorney-General, were not satisfactory at all.

[Mr. Omar]

He, himself, Mr. Speaker, said that in 1955 he did try to canvass for this Bill to be introduced in the House and it was done. Then some Ministers spoke and all the Members who spoke in favour of the Bill based their argument on the record of this type of case from the Makadara Court. None of them, Mr. Speaker, gave any statistics of this kind of case. They blamed the women for having commercialized things. At the same time, Mr. Speaker, they also forgot the children who are involved in these cases and who will suffer greatly after we pass this Bill. There is no alternative means of providing them with food, clothing and for their welfare in general.

Mr. Speaker, I think this House has a responsibility to society as a whole, and although the Bill has been passed in the Second Time, and it is most likely it is now going to be read a Third Time, but we must think what is going to happen to the children. The mothers of these children have been looking after them with the money they have been receiving as a result of these cases. I would like to suggest that, as soon as we pass this Bill, then the Attorney-General and the Ministers should establish a national fund whose aim would be to care for the children who are involved. Without doing so, Mr. Speaker, these children will have nobody to look after them, and tomorrow we might find them on the streets showing people where to park their cars and so on. There is the Vagrants Bill which says they must be taken to their various districts, but I do not think this is the solution, Mr. Speaker.

These boys or girls will one day grow up and if they are not looked after properly they will become vagabonds and they will become a problem to the country as a whole. I would suggest to the Government that they should start a national fund in the *Harambee* spirit and the money would be spent on the welfare of the children involved.

I would also appeal, Mr. Speaker, to the men who have been convicted under the Affiliation Bill that although this law is being repealed, they should continue to pay what they have been paying for their children since they were convicted, or since the affiliation orders were enforced on them. The parents of these children should know they are the parents in blood and in flesh, and, therefore, they should try to look after their children.

Mr. Speaker, as my colleague hon. Munyi has said, and I quite agree with him that if there were

any women members in this House then I am sure they would strongly have opposed this Bill, because the main purpose of the Bill is relieve those people who have been convicted under the Affiliation Bill and to create a heavy burden on the women. It is the women and the children who are going to be victims of this Bill if it is repealed, and it is going to give freedom to those men who have been convicted under the Affiliation Bill because they will not be paying any more money for the children. I hope the people who are concerned, the men throughout the country, will have humane feelings and will continue to pay what they had been paying for the children as before. As the Government promised to bring a Bill in this House to protect children born from parents who are not married, I hope they will do that very soon, because the men who are interested, will take advantage of the repeal of this Bill, in that they will seduce the women or girls, make them pregnant and get children knowing that there is no law which will force them to look after those children. Women, being poor characters, cannot avoid this and nature, of course, will force them to do such things, thus the women are the ones who will suffer. Therefore, I hope that Government will soon bring an alternative Bill, in order to protect our women and those children who will be born under those circumstances.

With these few words Mr. Speaker, I want to make it clear again that, I strongly oppose this Bill because it is a Bill which does not protect the rights of women and children.

Mr. Shikuku: Thank you very much, Mr. Speaker. I should start, first of all, by making it known to the last speaker and the one who spoke before him, that I am married and have three daughters. Therefore, when I pass this Bill I have something to lose. However, we are talking of the principle. The principle here has been wrong; the Bill has been abused. I do not know how many daughters he has so I speak authoritatively because I have three daughters and three boys.

Mr. Speaker, I speak as a parent and I would like—

Hon. Members: How old are they?

Mr. Shikuku: Now, Sir, I speak as a parent and I would like to tell my friend that he has nothing to fear. According to the procedure, Mr. Speaker,

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

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

[Mr. Shikuku]

once you pass a Bill in this House, it does not become law the following day. There is a period during which it has to go through other channels to reach the President for his assent. It is only after his assent that the Bill becomes law. Therefore during the time, after we have passed this Bill, and the time the President will be giving his assent, and I am sure the President of the Republic of this country is not going to give his assent to this Bill until such time as have the new Bill introduced in this House, so that he gives his assent to that one and we have another one to operate. It is just a question of commonsense. Therefore, those who are affiliated will go on paying that amount until this Bill is assented to by the President of the Republic of this country. I have the greatest honour and the greatest respect for that old man; he is not going to give his assent to this Bill, which we are repealing today, until such a time as the Attorney-General brings in another Bill on the lines we have already discussed in the Second Reading.

As far as the women are concerned, Mr. Speaker, they have had a nice ride, and as usual in this world, if hon. Omar will agree with me, there is an end to everything. There is a beginning and an end. They have had a nice ride and the ride has come to an end and there is no question about it. They can shed their crocodile tears, for that I do not care, but the point is that the Bill is being repealed. Mr. Speaker, to those who have been trading in children; and even those whom we are paying for affiliation are the ones we see in streets here directing the traffic, showing you the parking places. The mother is affiliated but does not use the money to feed them, she tells them to go and wander in the streets and say that they are children of the poor, when the mother has been given the affiliation fees. This must now be stopped.

Therefore, Mr. Speaker, now at the Third Reading I would like to tell the Attorney-General one thing. When the new law comes in, Mr. Speaker, it must have the African outlook, the African tradition, the African way of living. For those women who are refusing and particularly my friend somewhere here, who refused on the children so that they use them as means of earning a living, this is being blocked today.

The African way means the child belongs to the father. That is the law which we are going to pass here, the new one which is going to come. I can see hon. Mr. Ochwada agreeing with me because he has totally lost on this issue. This is a relief to my hon. friend because he has suffered for many years. All the children, Mr. Deputy

Speaker, according to the African tradition, always belong to their father. For the information of the hon. Member, he who would have a baby, one day from the day when it is born, should baptise the baby and give it the name of the father's clan. This is the law we want to pass—

Hon. Members: Which one? Where is it?

The father should be responsible for the maintenance of that baby.

Mr. Munyi: Point of order, Mr. Deputy Speaker, can the hon. Member speaking substantiate that we are going to pass that Bill? Has it been brought by the Attorney-General or is he going to bring that Bill? We want to know, Mr. Deputy Speaker.

The Deputy Speaker (Dr. De Souza): That is not a point of order, you know that.

Mr. Shikuku: Thank you Mr. Deputy Speaker. The hon. Member, Mr. Deputy Speaker, should be married first so that he knows what we are talking about, but when he is just enjoying himself like that, he does not know what we are talking about. We are fathers here and we speak as parents here.

What we want to do is that once a man has made a girl pregnant, he should be responsible for the baby until the baby is four years old then he takes the baby and leaves the mother if he is not interested in her. In that way, the African tradition will be there. I would like to tell the hon. 'Bachelor' here that this is the order of the day.

Mr. Mbogoh: Mr. Speaker, on a point of order for the hon. Member to keep on referring to the Member of Embu East as a hon. 'Bachelor', unmarried, and all sorts of things; can he substantiate that the hon. Member for Embu East is unmarried?

The Deputy Speaker (Dr. De Souza): Order! I do not know how a person can substantiate a negative but, of course, if Mr. Munyi denies that he is a bachelor am sure he will accept it, but Mr. Munyi is there right next to him, I do not know if it necessary for you to do so.

Mr. Shikuku: Thank you, Mr. Deputy Speaker.

Mr. Munyi: The hon. Member does not know what is African Socialism. Therefore he does not know that by African Socialism and by African traditionalism, we have our own traditions; it is not the question of— Therefore he is completely incorrect, Mr. Speaker, Sir—

The Deputy Speaker (Dr. De Souza): Order! That is certainly not a point of order. I do not know what you are standing up and saying that

[The Deputy Speaker]

the hon. Member does not know what is African Socialism. That is quite irrelevant to this. If you want to stand on a point of order it must be a point of order. I cannot understand what point of order is involved in that. Quite fictitious, do not do it again.

Mr. Shikuku: Thank you, Mr. Speaker. It is in this spirit, Mr. Speaker, that we are doing this. We are not killing the women, the children will be taken care of until this new Bill is passed. Therefore the question of the fear that the children will not be catered for now or that their mothers will not be looked after is completely untrue and we are doing this in the interest of our Africans. Even if there is any blame at all it is the women to blame.

Now, as far as the representation of women in this House, I support. They will have to campaign, just as anybody else, to come to this National Assembly. For those who are purporting to be speaking for the women here, must realize that we who are elected are also speaking for the women. If I am not speaking for women, then I do not know whom I am speaking for. Therefore, anybody standing up and purporting to be speaking for women is not really telling us anything new because we represent women also. We were not elected by men only; we represent both men and women. Those who stand up and say "Oh, women have been turned down. There are no women here". But they are represented here. The children of those women are the same children of men. That is all. Jesus himself—I repeat it, Mr. Deputy Speaker—is never, in the Bible, quoted as the son of woman. He is quoted as having said that he was Jesus the Son of Man, not woman. Therefore, those who stand up and say that children must have mothers—These women have been owning the children, and this they have done against the laws of the land, that is against African tradition, and also against the Commandments of God because God says that He is the Father who is in charge of any family. Therefore, the hon. Gentlemen who stand up and tell us fairy stories about women must be careful because we also know about women and, perhaps, much better than they do. When we speak in this House we speak for them and are interested that they should get married. This idea discourages them from demanding children and also from refusing to get married because women think that they can make more money by not being married because of the Affiliation Act.

Any Member who supports that women should own children because they are women has some-

thing wrong with him, but if not wrong with him, then he has been induced to do so. I do not want to impute improper motives, Mr. Deputy Speaker. There must be something wrong in his head, and they are, therefore—

Mr. Omar: On a point of order, Mr. Deputy Speaker, Sir, can the hon. Member substantiate that those Members who have spoken against this Bill have been induced by women?

The Deputy Speaker (Dr. De Souza): I think he withdrew that, I am not quite sure.

Mr. Shikuku: Thank you very much Sir. I said I do not want to impute—I withdrew that. I said I do not want to impute improper motives—I do not know why he is so very sensitive. However, the Englishmen say if the hat fits you wear it.

Mr. Omar: On a point of order Mr. Deputy Speaker, Sir—

The Deputy Speaker (Dr. De Souza): Order! Mr. Shikuku, after withdrawing it, you restated it by saying that if the hat fits you wear it—You are, in fact, imputing an improper motive. Please withdraw.

Mr. Shikuku: I am sorry, Mr. Deputy Speaker, I withdraw, but the hon. Member is very sensitive about it.

Now, Sir, speaking seriously, I know that hon. Members may have different views, but this is something we must commend the Government for. We must commend the Government for having brought this Bill. We must congratulate the Government for having seen further, and I hope, Mr. Deputy Speaker—I repeat again, Mr. Deputy Speaker—I hope that the Attorney-General, in the name of the African Socialism, will bring another law, one of these days, based on the African tradition, and that is about bigamy which is unlawful here. We are not Europeans. The law prohibiting bigamy must also be brought in and repealed. A man should marry as many women as he can, so the question of bigamy is out and I look forward for that amendment to be brought by the Attorney-General so that we may marry as many women as we can.

I beg to support the Bill.

Mr. Mate: Mr. Deputy Speaker, Sir, thank you for this opportunity. I would like to oppose one or two things.

Mr. Deputy Speaker, I think that the need for the repeal of this Act is a very unfortunate one today because it became a law at a time when, in Kenya, we had different customs; European customs, Asian customs, and many other customs. Today, Mr. Deputy Speaker, we find ourselves in a dilemma with many problems we cannot solve.

[Mr. Mate]

Sir, against the background of the law we are discussing now, we have Meru customs, Kikuyu customs, Luo customs, Abaluhya customs which are slightly different, in that, I understand, Mr. Deputy Speaker, in some tribes, the children born of man and woman belong to their father and in other places they belong to their mother.

It is very true, Mr. Deputy Speaker, today that there are some women—who are fortunate women to have children—who look after them on their own merit. This is happening, Sir. We do have women who have children and they have the means of looking after them and maintaining them. However, this is an interference with the old African customs. The problem here I feel, is that the Attorney-General, with all his wisdom, and with all the advice at his disposal, should, when he brings the new Law of Marriage and Divorce, and so on, into this House, see whether he can incorporate the kind of ideas we have in Kenya today to make sure where the responsibility of looking after the child lies.

Mr. Deputy Speaker, if I may take the Meru customs as an example: the child always belongs to the father. At the same time, the father has a responsibility to the mother. These things go together, Mr. Deputy Speaker. You cannot separate the two from each other and this is where the problem is, Mr. Speaker—

An hon. Member: Where?

Mr. Mate: In the House here and outside in the Republic we discover that the child and the mother are two separate issues. This is, Mr. Deputy Speaker, because of what I might call career women of today, the career women of today who are able to get jobs because of education, which is a good thing, or because of other reasons, which is also a good thing, they want to remain alone and so become a danger to men. At the same time, the European ideas up to now have made it that the traditional family responsibilities have been forgotten. All I would appeal for, Mr. Deputy Speaker, much as we talk of abolition of the Affiliation Act—which I thought was primarily meant to assist the child and the mother—was that we should meet today, to find a way to delegate responsibility for the welfare of the child and the mother and how the traditional family way can be maintained. However, I think that this is almost impossible because of the changed conditions. I would like to appeal to the Attorney-General to bring into this House, as soon as possible, the new draft law of marriage and divorce, so that we can find a way of tidying up this situation.

Mr. Deputy Speaker, we know that people in this country, people of European ideas, European origin—because of people of, say, Asian origin,

Arab origin, and any other origins—are we going to stick on this, with all the different laws and ignoring the deep roots of African traditions and customary law and think that and repeal of the Affiliation Act solves every question and every problem? Mr. Deputy Speaker, I feel that we are leaving a very big gap. I feel we are leaving a big gap at this particular stage and it is time the Attorney-General changed this and the House commends him to bring another new law to touch up the situation since we are going to be faced with this problem—much as we may like not to face it. Mr. Deputy Speaker, I am only standing here to appeal to the Attorney-General to fill the gap as soon as possible so that we can have substitutes to make sure that child welfare bodies, like Dr. Barnardo's Home, or the Child Welfare Society of Kenya, or any other body that cares for destitutes, even children, will not be guided by cases where the father could have supported the child without all this hurly burly of saying, "I do not know whose child this is". I would appeal to him to separate the two issues and bring the new law as soon as possible because I do feel that we are leaving an unnecessary gap in our society and we are going to trust these problems to the welfare societies which cannot cope with them.

With these remarks, Sir, I beg to support.

Mr. Muliro: Mr. Deputy Speaker, the basic worry here is section 3 of the Bill which is being repealed, where it is very clearly stated that on the commencement of this Act, whatever Affiliation Orders were in force will lapse. Hon. Members may say, "Good idea", but, basically, the children have been benefiting. There are unscrupulous mothers no doubt, but there are, definitely, some genuine, hard cases which have been assisted. Therefore, it would only be fair that those children who are getting some benefit from these Affiliation Orders should get something in place of this as soon as possible.

Since the assent to all Bills lies at the discretion of the President, if the Attorney-General could hurry up and draw a new document and shelve the assent to this Bill for some time, until the other document comes before the House, that will be good.

Here, Sir, I only wish the Attorney-General would have the interest of the children in mind so that—The hon. Member there says that the Attorney-General has no children. I think the Attorney-General, being the Chairman of Dr. Barnardo's Home, has more children under his care than the hon. Member for Busia has.

With these few remarks, Sir, I pray that the Attorney-General does something for the children who are in genuine need of this help.

Mr. Ochwada: Mr. Deputy Speaker, Sir, I rise to support the Third Reading of this Bill very strongly. Unfortunately, Sir, I did not get a chance to speak on the Second Reading of the Bill, nor did I get a chance to speak during the wranglings. Here, then, is an opportunity for me to air my views as well.

Now, Sir, the law, I think, has been very loose as far as women are concerned. I want to advise the Attorney-General that when he brings a Bill to this House to take the place of the Bill that we are now repealing, he should make it a bit tighter on the side of women; he should make it tight so that women can be forced to be closing doors of their houses and not leaving them as if they were toilets.

Of course, some hon. Members who have spoken have put the whole blame on the man; but they forget that we have in this country a law which is against rape, and very few women have produced children as a result of rape. It has been a union of consent between the two parties, and it is no use placing the blame on the man and leaving the woman to go scot free. I would like the Attorney-General to introduce a Bill in this House which will also— Some hon. Members are asking me who approaches the other. I would tell them that at the present moment if you go to Ofafa Maringo, Ofafa Jericho, Ofafa Jerusalem, Eastleigh, Woodley, all over the place, you find women having their own houses. This is where the whole trouble starts. In fact, if it is a question of approaching—I would say they attract men. You see, they have introduced a sort of a way of attracting, and it is this attraction that brings about the danger. It is not a question of a man approaching a woman all the time; it is natural that when you them well done up with *jogoo*, a little *kimbo*, and ginger on top of that, which change their colour, you get attracted. This is how they attract the man. They should also be regarded as guilty in this respect.

Mr. G. G. Kariuki: On a point of order, Mr. Deputy Speaker, this question has been fully discussed and, therefore, would I be in order to move that the Mover be now called on to reply?

The Deputy Speaker (Dr. De Souza): Order! I think that is quite fair, but I also think we will let Mr. Ochwada finish.

However, I do hope it is only another two or three minutes, Mr. Ochwada.

Mr. Ochwada: Sir, another point is this. When other hon. Members spoke in this House, they intended to imply that anything African is terrible, and everything foreign is excellent—wonderful. This is quite wrong. We are in an

African country and we are Africans. This is where we belong and anyone who wants to live with us here must conform to our traditions. I do not, therefore, see why we should copy everything foreign. If foreigners have accepted to live here, they should conform to our customary laws. I am sure that most of the Members here, although they do not know anything about customary laws—I am sure those who have been shouting against the repeal of this Bill have not taken the trouble of looking into our customary laws—will find there is very little difference between a given tribe's customary laws and another tribe's customary laws. They are more or less the same. It is only a question of trying to put them into black and white and you will find that they can work throughout the country.

It was hinted here by an hon. Member that if we took, for example, the Abaluhya or the Kikuyu customary law, it would fit the other tribes very well. I have been reading the Marriage and Divorce proposed recommendation and I am surprised, Sir, that in that report anything African is terrible, everything foreign is excellent. These are the things which tend to mislead us. We get misled by foreigners who sit on our committees to look into our own affairs. In future we should make sure that on all important committees we have our own people being appointed chairmen of such committees because this will help us. Even in the drafting of our Bills we should have our own people to look into the Bills. Let the Attorney-General send his men out into the countryside to try and do a bit of research so that whatever is included in the laws should be African in outlook and in accordance with the African customs rather than having to introduce everything foreign into our laws. We are now an independent African state and we have to show our own way of life. We are working in accordance with Sessional Paper No. 10, our economic development is based on that, so is our social development, and even our political aspirations are also based on that, on African Socialism. If we are going to make this a success, we have to introduce everything African. I do not see any reason why people should be afraid and say, "Oh, if this law is repealed, the children who are being taken care of by the Affiliation Orders are going to suffer. Do they not have fathers? In fact, most of these children who have been covered by Affiliation Orders have been known to be the sons and daughters of So-and-so who has been paying the affiliation. If there are some hon. Members who have been paying secretly and are afraid of it being known that they have been paying affiliation secretly, it is their own *shauri* because they should not have

[Mr. Ochwada]

done this secretly. They are now going to be exposed. This is the time that we should make everything clear.

Sir, there will be no child who will suffer as a result of the repeal of this Bill, to my own way of thinking. Even if the Attorney-General brings another Bill, or he does not bring another Bill, the children that have been getting benefits from Affiliation Orders should be given back to their fathers so that their fathers can take care of them. Let the mothers be made to understand that the children belong to the fathers, and if they bear any more children, those children will be given to their fathers.

The Minister for Power and Communications

(Mr. Nyamweya): On a point of order, Sir, can the hon. Member speaking declare his interest?

The Deputy Speaker (Dr. De Souza): Order!

Yes. I think, Mr. Ochwada, you should, in fact, declare your interest if you have one. Otherwise you would be speaking— According to Standing Orders, if you have an interest you must declare it; it is compulsory to do so.

Mr. Ochwada: Mr. Deputy Speaker, I do not know what interest the hon. Mr. Nyamweya is asking me to declare because I am not affiliated. I have eight children, all of whom are legitimate and not illegitimate. I am paying affiliation to nobody.

An hon. Member: Are you sure?

Mr. Ochwada: I do not know what the Attorney-General is asking.

This is where we go wrong. They introduce so many foreign languages, such as “out of wedlock”. What exactly is wedlock in Kikuyu language? What is wedlock in Gusii language? We do not have such a word in Baluhya language; it does not exist. It does not exist in our vocabulary. This question of introducing some foreign vocabulary into our vocabulary is going to mislead us and mislead us forever. We must be Africans and remain Africans, we do not want to be semi-Africans or sub-Africans. We are no projection of Britain or even America. We are Africans and we will remain in Africa with our customary laws. My children are my children and they are going to remain my children, unless God comes from heaven and tells me that they are not my children. He will have to prove that they are not my children because I did not have union with that woman. As far as I am concerned, according to African custom the children are the man's children, not the woman's children. If she wants to go elsewhere and get some more they will remain where she goes.

What I wanted to emphasize, Sir, and what I wanted to draw the attention of the Attorney-General to, is that if we must introduce another Bill into this House it must be African, we do not want it to be foreign as most of the laws which have been introduced in this House have been. It must show African outlook, African custom and African tradition, and it must also have some element which will restrict the women in their present free movement. They must also be curbed. We do not want women to go blaming the men for their own faults—

Mr. Mate: For their own waywardness.

Mr. Ochwada: —for their own weaknesses. There is no question of saying, “Oh, because the man approaches the woman, then man is always at fault”. If I approach a woman and the woman does not want me, we will never have a union, Sir.

I beg to support the Third Reading of this Bill.

The Deputy Speaker (Dr. De Souza): I will propose the question of the closure as was moved by Mr. Kariuki a few minutes ago.

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

The Attorney-General (Mr. Njonjo): Mr. Deputy Speaker, Sir, I can summarize what I would like to say in a few words, namely, that I think from today our women should beware. If one wants to use poetical language, then one can say that, today, as far as the women who are touched by this legislation are concerned, this is their swan songs. This is a big warning to our girls, particularly the unmarried girls, that they should be careful. That is the only appeal that I can make to them. I am sure that if our women are careful, then there will be no need for all these difficulties that have been mentioned during this debate.

All that the woman will have to say is, “I am not going with you until you take me to the altar.” If during 1969 and the following years women can use and carry this motto. “No, unless you take me to the altar”, I am sure there will be no problem.

(Question put and agreed to)

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

BILLS

Second Reading

THE ENGINEERS REGISTRATION BILL

(The Minister for Works on 12th June 1969)

(Resumption of debate interrupted on 12th June 1969)

Mr. Omar: Mr. Deputy Speaker, Sir, I would like to say a few words about this Bill. In my opinion this Bill has been long overdue. It is overdue because I feel that it should have been introduced at the time when, or before the work permits were introduced.

I have seen that people working in garages, non-citizens working in garages, claim to be engineers when in actual fact they are only mechanics. They have described themselves as engineers because they knew that the engineers were exempted from the work permits. That is why they labelled themselves as engineers, in order that they could work in garages as engineers and not be required to have work permits. This is something agreed to between such non-citizens and their employers. That is why I said that this Bill is long overdue. It should have been introduced before the work permits came into effect.

I think, however, that now, the Minister concerned, should, after this Bill has been passed, take the trouble to send circulars to all the garages and motor dealers to ask them to submit the names of those people who claim to be engineers in their respective industries. As is laid down in the Bill they must also produce certificates from recognized institutions to prove that they are engineers, as required under the present Bill. When the Minister does that, I am sure that many motor-car dealers and garages will not be able to produce certificates for their mechanics and, in this way, employment opportunities will be made available to Kenya citizens. Today, we have a number of Kenya citizens who are mechanics, others are electrical engineers, but they cannot get jobs because such jobs have already been filled by non-citizens who claim to be engineers, when in actual fact they have merely learnt the work of mechanics or engineers through experience. They do not have certificates from recognized institutes of engineers. Therefore, if the Minister will take the trouble to find out about those people who are working in garages and in motor industries, and see whether they are engineers or not, I am sure he will find that many of them are not real engineers. They will probably have to apply for work permits—which they will not get because we have many mechanics, and so on, who are skilled but cannot find jobs because non-citizens have taken all these jobs.

I support this Bill, Mr. Deputy Speaker, in the spirit that once it has been introduced, the Minister will take the trouble to find out whether these people, non-citizens, who are working in different garages are really engineers or not.

This is not only the case of engineers in garages, but also in the building industry. There are many

people who claim to be engineers, when in actual fact they are mere masons.

In the Bill, it says it is the East African Institute of Engineers which will determine whether one has a certificate from a recognized institution. However, I would like the Minister to tell us what is going to happen in regard to some engineering institutions, especially in India. I understand that the standard of engineering in the institutions in India is lower than that of the western countries. Although their standards are lower, sometimes their services are suitable and demanded in this country. We would like the Minister to tell us whether those people who qualified as radio engineers, building engineers or mechanical engineers, in India, will be recognized or not, especially those who qualified after India attained its independence.

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

Mr. Cheruiyot: Mr. Deputy Speaker, I do not have very much to contribute on this Bill, since a good number of Members have already spoken on it. However, Sir, I would like to take this opportunity to congratulate the Minister for at last coming round to recognizing the importance of registering engineers. As we know, members of all other professions which are functioning in Kenya have to register. For example, doctors, lawyers, and so on, have to register before they are allowed to earn their living in that manner. However, I do not know—I am no lawyer—but I have gone through this Bill to see whether we are not actually enacting a law for a voluntary organization. Looking all the way through, I have not seen a clause which specifies clearly that under no circumstances will anybody be allowed to earn his living as an engineer if he is not registered. I do not know, maybe it is hidden somewhere, but I am sure the hon. Minister, when answering, will inform the House.

Mr. Deputy Speaker, when this board is set up, I hope it will not be used as a means of eliminating rivals. This profession is very tricky, and to date Africans have found it very difficult to practise as engineers. This profession in most cases requires a very large amount of capital before a person can do anything, and although the Government has tried hard in one way or another, there have been loopholes whereby young engineers—African engineers—have been frustrated. In the first place, after graduation, they have not been able to get the chance to undergo proper training which a person should have before he is allowed to practise. In most cases, this has been because this industry has always been in the hands of foreigners. I am not saying that the Government

[Mr. Cheruiyot]

has done nothing at all; they have tried hard: but they have not actually gone the whole way in trying to see that our engineers get their due rights in this case.

Mr. Deputy Speaker, we realize in this Bill that for an engineer to practise, he has to undergo a test and become registered. However, I would like to suggest to the Minister that there should be provision for an intermediate period, a specified period, let us say, two years, where a young engineer, a graduate engineer, coming directly out of school should be licensed as a learner or a graduate engineer. In just the same way, you have an "L" plate for a few months before you go for a test, and I think it is very necessary for engineers, when they leave college, to be registered somehow in anticipation of the examination of the board. I think this is very important, because if it is set out properly, and all the people practising engineering would co-operate with the Government, that would be a very good period in which to polish and create good engineering. I would suggest again, Mr. Deputy Speaker, because I know it can be done, that the Government should use their influence to pressure the existing firms—whether they are Government or private—to participate in a training scheme of some sort. This could be arranged, if the Government asked these firms to do it. I know of at least one firm which is doing it now, and in fact I think I would be very unfair if I did not congratulate them for the efforts they are making. This is the East African Consultant Engineers. They are doing a very good job of training young engineers, and I am sure if the Government would pressure other companies, such as the East African Power and Lighting, and all other companies which deal with engineering, they would agree to train these engineers. This period of two years would assist the engineer and avail him of experience of any of the possibilities which would be likely to arise during his lifetime as a professional engineer. If an organization was set up by the Government, and charged with responsibility of establishing the guide-lines and standards for these companies which are going to train the engineers, it would in the end produce a very good system which I am sure would serve Kenya best.

We know, Mr. Deputy Speaker, that at this period in Kenya we are a young country, we are far behind other countries, and we have to go as fast as we can in order to catch up with other people. Engineers play a very important role because whatever you consider, no development will progress without the assistance of an engineer, be it a hospital, a firm, whatever it is. There is

not one which does not require an engineer. Therefore, I feel the Government, or the Minister, should take in my suggestion, and have a go at it, because I am sure these firms would be very willing to help such people, and maybe train them, if the Government pressed them a little.

Mr. Deputy Speaker, one other thing I would like to say is that once these engineers are registered, the Government should protect them, or their title and their functions. There are so many things which could happen if we did not take due care. We take all the precautions as far as doctors are concerned because it would be fatal if an unlicensed doctor were allowed to practise on a patient, but we are totally blind to the fact that allowing unlicensed or incapable person to practise as an engineer, you are endangering more than one life.

We take an example of a building, however small it may be. It could easily kill several people if it was not done properly. Take a bridge, it can easily kill or damage a good number of people, if it was not done properly. I think we are blind to this fact, Mr. Deputy Speaker, because we are allowing, or we have been allowing, people who are not actually engineers to call themselves engineers and to act as engineers. Therefore, I support one hon. Member who said that this is long overdue, and add on top of it that it should be stricter than that one of doctors because, as I have just said, it is not a matter of endangering only one life, it is a matter of endangering more than one life.

As you go down River Road, or whatever other streets we have in the town, immediately you see automobile engineer, you think that you have come to engineers who will answer your problems as far as your automobile is concerned. However, really, when you go in, you find that it is just a mechanic who is trying to make a living and he would not tell you that he does not know what is wrong with your vehicle. He would not admit that he would just tell you: "All right, you leave your vehicle here, come at a half past five and you will find it ready". He will fiddle around with it, trying his best to put this and that together and in the end you may lose the vehicle or, by luck, he might just hit on something that will make the vehicle go.

Now, you can see the danger, Mr. Deputy Speaker, if such a vehicle is allowed to go, it might have been impaired to an extent that it becomes unroadworthy, or very dangerous, without the knowledge of that person because he is not actually an automobile engineer; he just happens to be a mechanic who calls himself an

[Mr. Cheruiyot]

automobile engineer. Therefore, Mr. Deputy Speaker, I think the public should be protected against people of this kind. All these self-styled engineers should be struck-off completely and disallowed from using such a high-sounding name that is not worthy of themselves.

Mr. Deputy Speaker, several Members have talked about recognition of degrees from outside. Personally, I think, since we have accepted the fact that the University of East Africa should be the yard-stick, I am of the opinion that we should leave that to the university. Surely, it is very easy for them to know which university should be recognized. If it is America or India or anywhere, they are the people who are in a much better position to know which university should be registered and which one should not be registered.

That is not actually a very big problem and I think it is easy to leave it, it is straightforward and we might just as well leave it for the University of East Africa to tell us which degrees they will recognize and which ones they will not.

In the past, I am afraid, Mr. Deputy Speaker, things like these have been misused, and just because you do not like the word "Russia", or because you hate Communism, you say that a degree from Russia is no good, and then after a few days you hear that Russians have sent up a Sputnik so how could they have done this

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

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

if their standards were so low? In different countries we have universities of varying standards and our university should and is capable of telling us which are the universities we should recognize.

Once again, Mr. Speaker, I would like to congratulate the Minister or before I go to that one, I would like to congratulate the Ministry of Education for seeing that science should be stressed in our country. This is a scientific world and whatever we do now has to be done scientifically; even family planning, nowadays, is being done scientifically. Therefore, you can see that the world is becoming so scientific that before you do anything, you have to apply science. Well, I think the Ministry of Education deserves congratulation in that. Science is actually our language, the language of engineers, and if we have many people who can speak that language, then chances

are we will have more young men joining us in the engineering profession.

For a long time engineering has been left as a sacred type of profession and not very many Africans have gone into it; only a few did try; and the few that are left practising now have gone through all sorts of frustrations because of some selfish people who had the money but did not want an African to become an engineer. However, since the Government is now in our hands, we should pay a little more attention to our young engineers and realize that they have problems, and in their case it is very difficult to establish their professions without a lot of funds.

At this juncture, Mr. Speaker, I would like to urge the engineers, realizing now that, at least, the Ministry is turning round to recognizing their existence, that they do not spare any minute but work and use their imaginations. In most cases we have been only copying, but I think it is time we, the engineers, do some original thinking, and in most cases use our local materials as far as possible, because by so doing we can save a lot of foreign exchange. It would be a good idea for us to try and use what we have here, as much as possible, without importing anything because the engineer actually determines how much we are going to spend on a project and we have so many projects. If we could save, in all these projects, I am sure we could be saving a lot of foreign exchange.

Mr. Speaker, as I was just going to say, I did not have much to say on this. All I would like to say is that we realize this is a young nation, we realize that we need to build it and we need to go fast; and we also realize that we should not lower our standards under any circumstances. I would ask the Minister to go a little bit further and make sure this Bill is a success by pointing out clearly that under no circumstances should anybody be allowed to practice, unless he is registered. The qualifications that are going to be used as guide-lines should be looked into very carefully and the board should be selected very carefully to make sure that we are not going to bring about a stumbling block that can be used to stop other engineers from coming into being, because we already have enough stumbling blocks; as I said before, such as finance, etc.

Before I sit down, Mr. Speaker, I would like to congratulate the Minister again for thinking of this, and ask him to keep in mind the few suggestions that I have given him.

With these few remarks, Sir, I support.

Mr. Shikuku: Mr. Speaker, I have very little to say on this Bill and, on the whole, it is welcome. I would like to draw your attention to page 45, clause 4, under the heading of Limitation of Liability of Members:—

“No member of the board shall be personally liable to any act or default of the board done or omitted in good faith in the course of carrying out the responsibilities and functions of, or exercising the powers conferred upon the board.”

Now, Mr. Speaker, this is a normal clause, but I have one question to pose here. Such clauses apply to every type of board which is established, but there is one trouble. This is something for which the board could be held responsible. Let us say that they have approved and registered a given engineer and he is in charge of the construction of a certain road from point X to point B, and then something goes wrong—yet they are not going to be held responsible for having passed this type of man. I do not see anywhere where this man—I have read the Bill—will be held responsible for whatever he has done. For example, the construction of the road from Londiani to Kericho: somebody must have misused his knowledge, or probably he did it using poor materials so that he could make a hell of a lot of money, only to find that the road is of no use. Whom should we hold responsible for this? Is it the engineer?

An hon. Member: It is the Minister.

Mr. Shikuku: Mr. Speaker, I do not agree that it should be the Minister because the Minister knows nothing about engineering, if I may so submit. He is a politician and merely because he is in charge of the Ministry of Works does not mean that he is an engineer at all. I think the Board should be held responsible for having passed this type of man, or that particular person should be sued for messing up that road, because money has been spent on that and I do not know who is going to pay for it. Even if it is the fault of the Ministry, say, through violation of their agreement with the United Nations Organization on the type of vehicles which should be passing on that road, and so forth, who is actually going to be blamed? I think that this board should be responsible enough to register people with the proper qualifications and, above all, be liable to be sued when that particular individual, having gone through this board, is also connected. They should not give him that type of protection to a person who is so *bure*.

Mr. Speaker, I know that we have very few engineers, and it is up to the Minister, himself, to get as many students as possible to study engi-

neering so that they can come and help us here. As far as the board, itself, Mr. Speaker, is concerned, I see in the Schedule that it shall be made up as follows:—

“The board shall consist of seven members who shall be persons eligible for registration under this Act and, where practicable, resident in Kenya.”

Mr. Speaker, these words “where practicable”, show that there is a loophole for the Minister to import as many as he likes on this board. This is where we stand the risk of having many people imported from one direction and being facilitated to formulate a policy to suit themselves and thereby make sure that they bar people from other parts of the world from coming here. I agree that we are an independent nation, a sovereign nation, and we should not confine ourselves to west or east or central; we should get everybody who is an engineer from any corner of the world. There has been a bad practice in that past, Mr. Speaker, and we have had some problems in the Central Selection Board. We get scholarships from all over the world, but when we send these students to Russia—I am a member of the Central Selection Board—Bulgaria or any other part (we are given these scholarships after they have been approved by the Government and we give them to our boys and girls who then go to those countries), and after their qualification they just come here and start wandering about because somebody on the board does not believe in the east, he believes in the west. This is wrong. We have said this, it has been repeated in this House, and I think it is time the Minister woke up and did something about this sort of discrimination. There is no point in the Member for Butere and other Members who are on the Central Selection Board wasting his time interviewing students who want to go to the east while when they come back they remain unemployed. This is stupid because we spend money on the students and the other governments spend money on the students, and yet when they come here they do not get a job. We say that we are short of manpower—that is true but we should know that this is because we are still looking for somebody from the United States, somebody from Britain, or somebody from Canada. This is wrong. What we want is development but development cannot be achieved if some of the people coming from developed countries sit here on this board and decide our future, thereby imposing their own friends, their own brothers, their own kith and kin—some from Rhodesia—to come here and work in this country when our own sons and daughters are lingering around without a job. We do not have to repeat that and I hope this will be the last time.

[Mr. Shikuku]

Now, Sir, on the same Schedule I am drawing your attention to page 54, under the heading "Vacancies":

"The validity of any proceedings of the board shall not be affected by any vacancy among the membership, or by any defect in the appointment of a member."

Mr. Speaker, Sir, this is very interesting because this is a board of seven members: four persons appointed by the Minister and three persons appointed by the East African Institution of Engineers. If this membership does not mean anything, suppose five of those fellows never turn up, then the validity of this will not be affected. I am not a lawyer, but I think the Minister should explain. It says that: "The validity of any proceedings of the board shall not be affected by any vacancy . . ." Mr. Speaker, he should explain that when he stands up, but as I read it here I know there is a quorum, but in this place it speaks about the validity of any proceedings or decisions taken. The Minister is not a lawyer, he is just like the Member for Butere; the Member for Butere is a bush lawyer.

The other thing, Mr. Speaker, is on page 49, clause 15, under Power to Suspend Registration, etc.:—

"If a registered engineer is convicted of an offence under this Act, or is, after due inquiry held by the board, found to have been guilty of an act or omission amounting to improper or disgraceful conduct in a professional respect, the board may—

- (a) caution or censure such registered engineer;
- (b) direct that, during such period as the board may specify, his registration shall not have effect."

Now, Mr. Speaker, we have had experience in the past—even the late Argwings-Kodhek—was struck off the list of lawyers, and because the members of that Bar were Queen's Counsel, and goodness knows what were there—what is the Queen's interest in this country?—they did not pay any attention and they did not care a hoot what happened to the late Argwings-Kodhek. It was a question of them meeting and saying, "Bill, look, this guy is no good and I think we should get him off." and so he was put off.

The question I am posing here to the Minister is how long will this suspension last? Some of the people on the Board may not like a certain

engineer, probably because he is too bright, and they fear that he is doing very well, and so they suspend him for a small mistake and they suspend him for such a long time that the poor man gets completely out of pocket and he cannot support his family, he cannot support himself, he looks a complete disgrace, and probably starts drinking too much to try and get rid of his worries. I want to know the maximum period for which this Board can suspend somebody. There should be a period, perhaps one week or two weeks, or one month; a decision must be taken. It should be specified why the Board is given such wide powers. This being a small Board where friends can gang up and cause a lot of havoc. I think an amendment to this effect would be very welcome and I do not think the Minister will object to this at all. The time must be specified, during which if somebody is suspended then a decision must be reached. I see the Minister is shaking his head, but this is something which I feel very strongly about. The period must be specified, that a person is suspended for so long and during which time a decision will be reached, but it should not be indefinitely or as the Board may feel. I think this is wrong because if he has made any mistake, then he should be brought to justice and it should then be finished with, rather than let him hang around suffering, and with his family suffering, and so on.

Now, Sir, having said that I am sure we will have to amend it and specify the time in order to safeguard the interests of our people, and also the interests of the few people of high learning of this country, so that they do not fall prey to machinations by some people in this country who are enjoying the freedom of this country after having blocked it for some time, and they can still block it through such bodies as this. We must not allow this at all.

As far as the qualifications are concerned under section 11 this has been touched on, but personally, Mr. Speaker, I feel that if you go to Greece and study engineering, and study it in Greek, or if you go to Britain and study it in English, or America and study it in English, or go to Russia and study it in Russian, an engineer is an engineer. Mr. Speaker, Mr. Gachamba, who is making *Kenya I*—I am not quite sure what his qualifications are or to which institution of high learning he went—but if he has gone to any institution of high learning and he has any certificates to the effect that he attended such a place, and showing the period he was there, then he should be given his right place. If that is not there, Mr. Speaker, and one calls himself an engineer, then it is wrong.

[Mr. Shikuku]

The other thing, Mr. Speaker, is that it goes on and says:—

“(a) The members of the board shall be—

(a) four persons appointed by the Minister;

(b) three persons appointed by the East African Institution of Engineers.”

Mr. Speaker, Sir, here it does not state what type of persons these three will be; will they be, by profession, engineers, or will they be just friends of the Minister, or some people who have come along, as friends of some Government officials, and asked to be appointed on this board? We would like to know what type of qualifications these people will have. I agree, Mr. Speaker, that to be on the Board of Engineers you must have some idea about engineering. However, at the same time, Mr. Speaker, although I am not an engineer, I am legislating a law here affecting the engineers. How is it that a Member of the National Assembly cannot be a member of this board? When they talk on technical matters, he would leave them alone, but when they talk on the policy, surely one can decide a policy without being an engineer. We are deciding the policy here without being engineers and we are passing the law without being engineers. Therefore, I do not think that it should be 100 per cent restricted to the professionals; latitude must be there, whereby we get some people on the board who are not engineers and who are there to advise on policy matters. The engineers on the board should only decide on technical matters, particularly when it comes to the qualifications and so forth. When it comes to the policy, these three people, in my opinion—since it is not stipulated what type of fellows these should be—I would suggest very strongly to the Minister, they should be *people with high integrity*, people who are impartial and cannot be swayed by east or west, people who call a spade a spade and not a big spoon. These are the types of people who should be on this board, but if the Minister is going to choose some other fellows who are just going there to dominate the board and thereby get their brothers in there to get a job, I think it is entirely wrong.

Mr. Speaker, as far as the East African Institution of Engineers is concerned, I do not know who the members of this board are and I do not know what type of qualifications are required before one can qualify to be a member of this East African Institution of Engineers—but I am sure that by now they must all be expatriates. I hope the hon. Cheruiyot is one of them; and if he is, I will be very much obliged, but there should be somebody like Cheruiyot who is also an engineer.

The Minister for Works (Mr. Mwanyumba):
He is not.

Mr. Shikuku: I am told he is not and so I think he should be appointed forthwith to guard against this outside influence in this board of ours. I think that since he is an engineer, Mr. Speaker, Cheruiyot should be appointed straight-away to this board. If the qualification is that they should be engineers, Cheruiyot is an engineer; I am not and I do not think I will ever be anyway. Therefore, we should accept that we have a political figure and somebody with interest, and if it is a question of qualifications, I think it is only fair that we have our people to represent us on this board so that we safeguard ourselves against outside interest and domination.

We have had the same thing in our universities here, and other institutions of high learning, because the policy of running the whole thing is almost entirely in the hands of the expatriates. As much as I realize the fact that we have very few personnel to man those positions now being held by expatriates, I believe that some of our people who are there should be able to be promoted or be sent to represent us on this board so that we do not have a foreigner—although he may have come to teach us and for which we are grateful—deciding the policy of this country. We should have people who should go and decide the policy of this country, and that expatriate should follow up that policy. If we leave them there, we will find that they will make the conditions so difficult that to get our chaps qualified and enabled to come and help us will be so difficult because they will twist and make restrictive measures in order to make things very difficult for our students to qualify, and then they run away before the students are qualified. For example, in veterinary, I have been told that the students have been asked, “How many of you have qualified?” and the students answer that there are 17, 12 or something, and then they say, “Oh, well, you still have a long way to go”. These people want to stay here indefinitely. So there must be somebody to make the policy, and to tell these people who teach that they must get these boys through with no *maneno* about it.

Therefore, I feel that this board is very important—but if we do not watch out we will find that it will draw policies that will hinder and frustrate our own students in order to enable these expatriate fellows to stay here. That is something we must not allow at all. I hope that the Minister, being an elected person like myself, will not lose sight of that. If he is not careful, he will go in for the high jump, one of these days, because next year we are all going before our bosses and we will have to explain everything before we are allowed to come back here.

[Mr. Shikuku]

What I am confining myself to is the qualifications. Anybody going anywhere, to a high institution, not a secondary school—It is no good, somebody going to the Polytechnic here, and then when he comes out he says he has been there and he is now an engineer. This is nonsense, Mr. Speaker. The Polytechnic is not a high institution of learning. If he graduates in a university in India, in Moscow, or in Bulgaria, then, when he comes back and goes to the University College in Nairobi, or Makerere, or Dar es Salaam, his qualifications must be recognized. It is not necessary for him to come from Britain.

An interesting thing is this, Mr. Speaker, I understand that qualifications of some of our students who went to the University College, Dar es Salaam, to study law are not being recognized here. This is serious. I met three of them who wanted to see me about it. They told me they had spent their time and money there, and my money has been paid to educate those people, and when they came back here they cannot find any employment. I know one has been taken on by a company in Dar es Salaam. Mr. Speaker, we say we have no lawyers to Africanize posts and so on. On the one side we say they are from Dar es Salaam and they cannot be accepted here. What nonsense is this? I hope the same thing will not apply to engineers here. Of course, this is a hope and we are only hoping against hope. How long are people going to hope against hope because of failures of our own Government?

I think it is very, very wrong, Mr. Speaker, to have things as they are: that if you are from Britain, then everything is all right. This is a clear manifestation, Mr. Speaker, of our inferiority complex. Anything the British say is good. It was believed during those days, Mr. Speaker, that the *mzungu* was never wrong. As a matter of fact, when some of us were small children, when somebody said "*Haki ya nani?*", you said, "*Haki ya mzungu*", because we believed *mzungu* always spoke the truth. We did not know they were liars. This is the thing which the Ministers in the Government are still believing, that because somebody is qualified in the United Kingdom, then he is a better engineer. Some of these *wazungu* may have only attended grammar schools. This is wrong. The Minister should take this very seriously. If you go to a grammar school in Britain, and then come back here, you are all right; but if you go to a university in India, or Moscow, then you are not qualified.

The very people who were prejudiced against qualifications from eastern countries are still here, and that is why we are not progressing much

enough. Mr. Speaker, I think the time has come when some of our leaders should be brainwashed and they should understand the *mzungu* is not the only perfect man and we are even more perfect. This should be driven into the heads of the Ministers especially so they understand this. This is suffering from an inferiority complex; that is all it amounts to, Mr. Speaker. It is even affecting their wives. You see them straightening their hair and painting their faces to look like a *mzungu*. This shows how they are not quite up to date. They still think their wives must paint their faces to look like a *mzungu*, and that their hair must look like a *mzungu's* hair. The Minister looks on and his wife is messing herself up. If a person is from Britain, then everything is all right; but if he is from any other place, then everything is no good. We must have a rehabilitation centre for our leaders to realize—

Mr. Ngala-Abok: That is irrelevant.

Mr. Shikuku: Mr. Speaker, Sir, the Member for Homa Bay says it is irrelevant. Mr. Speaker, I believe it is relevant and the Member for Homa Bay is one of the fellow Members I am referring to who are still suffering from an inferiority complex.

Mr. Ngala-Abok: On a point of order, Mr. Speaker, is it in order for the hon. Member to talk about straightening hair, applying lipstick, when in fact we are talking about engineers? Is it correct for him to say he is referring to me when I am not a Minister? He has been talking about the Ministers' wives, and I have never been a Minister.

The Speaker (Mr. Slade): I thought the hon. Member had been relevant so far, but I may have missed a point or two. I think when you interjected he turned on you and said you were one of the people whom he was trying to educate. That is fair enough by way of answer to an interjection.

Mr. Shikuku: Thank you, Mr. Speaker.

What I am emphasizing is that we should not be biased. Sometimes we are accused by the Leader of the Opposition, hon. Rapondi that we lean too much to the West and that we should come to the middle. I think he had a small point there.

The Speaker (Mr. Slade): You have made that point at considerable length.

Mr. Shikuku: Mr. Speaker, I do my homework and do not just speak off the cuff; I always draw your attention to a clause and then elaborate on it.

[Mr. Shikuku]

I am now coming to the next clause, which is clause 12, on temporary registration, and I quote:—

(1) Where a person satisfies the Board—

- (a) that he is not ordinarily resident in Kenya;
- (b) that he is or intends to be present in Kenya in the capacity of an engineer for the express purpose of carrying out specific work for which he has been engaged; and
- (c) that he is, or immediately before entering Kenya was, in practice as an engineer in such a capacity as to satisfy the Board of his fitness to serve the public as a registered engineer, the Board may, if it thinks fit, direct that such person shall be registered either for a period not exceeding one year or for the duration of any specific work.

Mr. Speaker, under this temporary business, you may have a lot of people coming here and feel there is a big loophole here. They say that “such person shall be registered for a period not exceeding one year or for the duration of any specific work.” Mr. Speaker, somebody may be an engineer, and he come here with the proper qualifications and he would like to have a temporary job, or to be registered as an engineer, he might be a spy at the same time he wants to be here for one year during which time he will have covered whatever he was asked to cover, and at the same time there is a chance he will have as many of these people coming here and this will be going against our Immigration Act. The Immigration Act may be very much violated by this—

The Speaker (Mr. Slade): Mr. Shikuku, you are getting away from the Bill here. All the restrictions on immigration are not affected by this Bill at all. It is simply a question of whether, assuming he is not a prohibited immigrant, he is to be allowed to operate as an engineer. It is the concern of the Ministry of Home Affairs which you are getting onto now, which is quite a different affair.

Mr. Shikuku: Mr. Speaker, I agree with you that it is a different affair; but what I was trying to elaborate on is that if he comes in as an engineer, and he is given temporary registration, and he works under this temporary registration—I am not talking about the prohibited immigrants but I feel that this is a way through which we can have a lot of expatriates coming in.

The Speaker (Mr. Slade): No, what you are talking about is the man who should be prohibited as an immigrant, and that is nothing to do with the Ministry of Works or this Bill.

Mr. Shikuku: Well, Mr. Speaker, I will leave that and come to my last point which concerns the removal of somebody from the list of registered engineers.

Mr. Speaker, I would like to say something on the removal of the name of any engineer who is registered here from the Boards Register. I do not want to be discriminative, but I think I am forced by circumstances to say that in view of the that we have so few registered engineers, people with the qualification of an engineer, I think the Board must make sure it is only a very serious, a very terrible mistake, which would necessitate the removal of one of the few engineers who are citizens of this country, particularly the black citizens. This is why I felt the composition of the Board must be made up of people who have the interest of this country at heart, not only by profession, but people who are of high integrity and people who can safeguard against any misuse of powers of this Board so as to get rid of our engineers for any small, trivial mistake they may make and the poor man is struck off from the list.

At the same time, Mr. Speaker, I would appeal to those engineers of ours, the few engineers, and the few lawyers we have here, to stick to their profession and be strict with themselves and live within their means so that they do not become a laughing-stock. Mr. Speaker, I am usually very disappointed when I hear of any African who has taken so many years before going through a certain course and then after a few months' practice his name is struck off from the list of his fellow professionals. It is not only absurd on his part, but it is absurd for the the country because he lets us down. Some of them may engage themselves in too much drinking and become useless and cannot make out their right hand from their left and so on. I do not know why this is so.

I hope, Mr. Speaker, our future engineers and any professional people in this country will work with the mind that they must promote the African

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

[The Acting Deputy Speaker (Mr. Maiti) took the Chair]

interest in this country and will live within their means so they do not become embarrassing creatures here, and they do not give the chance to such boards to eliminate them so easily so as to have the expatriates staying in this country for ever and a day. This is the appeal I am making to our professional people here, the lawyers, the engineers, and so on, to be really themselves and to avoid the most dangerous tendency of trying to live beyond one's means. He becomes so big-headed as an engineer and he wants to push his

[Mr. Shikuku]

way round and he gets into a lot of debt and people sue him in court and then he starts drinking excessively and he ends up by being struck from the list and this is the end of him. This is a shame on this country, and a shame on the professional people.

Mr. Acting Deputy Speaker, the same thing applies to us here, we hon. Members of this House. We should behave as hon. Members in and outside this House, and we should even be hon. Members in our own houses. This is the example we should set to the young men who are coming here, so that we do not become scandalous to the young men and women who are seeing us in our present position.

With these few remarks, Mr. Acting Deputy Speaker, let me hope this Bill will be in the interest of the Africans of this country and will not be used as a means to eliminate and discredit our own few professionals in this country.

I beg to support.

Mr. Munyi: Thank you very much, Mr. Acting Deputy Speaker.

In actual fact the hon. Member who has just sat down has been trying to labour a lot on a point which was pointless.

Mr. Acting Deputy Speaker, what the Member should have suggested to the Minister for Works, and I would like the Minister for Works to be very attentive—I am trying to give examples to the hon. Minister and it is high time he listened to ideas and opinions which we are going to give him.

Mr. Acting Deputy Speaker, Sir, one of the suggestions I would like to put to the Minister concerns our honoured and very popular engineer—not only an engineer but he has become a manufacturer and an inventor in this country, Sir, and that is Maurice Gachamba. I feel he should be given a place on this list of registered engineers. It is a known fact because it was only two weeks ago when the hon. Assistant Minister for Power accompanied me and other hon. Members to Karatina to see the plane which has been manufactured by Mr. Gachamba, who is an engineer and an inventor. This man, Mr. Acting Deputy Speaker, has followed the line which was followed by George Stephenson. Mr. George Stephenson, a Briton, was a man who had only very old ideas of inventing and manufacturing the plane of that time. Mr. Acting Deputy Speaker, he was not of such high calibre as Gachamba whom we have today at Karatina, because he is a genius. We must be told of such people who have given us examples, who are inventors in the second half of the 20th century

because they have invented an aeroplane. This man has never gone to any factory where aeroplanes are manufactured as the hon. Mwithaga knows very well for he has gone there.

The Minister for Works (Mr. Mwanyumba): On a point of order, Mr. Acting Deputy Speaker, is it in order for the hon. Member who is speaking to mislead the House by saying that Mr. Gachamba has invented an aeroplane when he has not, but has borrowed engines from other places?

The Acting Deputy Speaker (Mr. Mati): I think Mr. Munyi had a bit of difficulty in using the correct word. He said “invent” but I suppose he meant to say “made” or “manufactured” as he had said before.

Mr. Munyi: Your wisdom, Mr. Acting Deputy Speaker, is like that of Solomon the Great because all that I have said is that Mr. Gachamba, the engineer, has manufactured an aeroplane. It is manufactured as we saw when we went there and, in addition, we have been reading in the newspapers, like *Taifa Leo*, *Daily Nation*, *East African Standard*, *Baraza* and other newspapers—even the German newspapers. The hon. Assistant Minister, who is representing us in the East African Community also knows, since he has been reading newspapers in Tanzania and Uganda, that praise of Gachamba has gone beyond the frontiers of Kenya and East Africa. It is reported that this man, since he is a manufacturer, should be included in the list and registered as the first aeroplane engineer. This is the man who brought us fame. Mr. Acting Deputy Speaker, this man was learning in the same institution where George Stephenson learnt. The institution in which George Stephenson, the inventor, was learning, is the same institution that Mr. Gachamba attended; and for the information of the hon. Members, I know that he is a genius. When George Stephenson invented the first plane, he was paid more than £5 million because of the good work he did for the people of Britain. My friend is an engineer, not a bush engineer—Hon. Cheruiyot is an engineer and might have learnt the history of manufacturing, and the history of industrial revolution, and as such he ought to have known that because this is a fact. Therefore, Mr. Acting Deputy Speaker, my suggestion is this—

Mr. Mwithaga: Mr. Acting Deputy Speaker, this is the information I want to pass on to the hon. Member so that he can convey it to the other hon. Members who want to know where Gachamba went to train as a manufacturer. The institution is similar to the one in which George Stephenson was trained; it was in a kitchen, where kettles and boilers were used.

Mr. Munyi: It is very true, and I think that is the formula and the reanalysis of manufacturing. If you want to become an engineer, you must learn something about such people. Mr. Acting Deputy Speaker, in future we shall be learning much about the good work which has been done by Mr. Gachamba. Every time we read, "Germany has gone there" and "America has gone there". Mr. Acting Deputy Speaker, I would like to suggest to the Minister that people with qualifications, including people who are locally or self-trained, like Maurice Gachamba who has trained himself to become a manufacturer, should have a place. Otherwise, Mr. Acting Deputy Speaker, by passing this Bill we shall create a barrier, against people who have been trained in countries like China, Germany and Japan and they will not be allowed by the members of the board to register. When you bring a person with a colonial mentality, a colonial-minded person, he will never register anyone from Germany or Japan because he will say that these people speak languages which cannot be understood. What has a language got to do with engineering and advancement? Mr. Acting Deputy Speaker, Sir, Germany is now going ahead of Britain in engineering and general advancement. In engineering, Japan is ahead of Britain and, therefore, we should not create a barrier against Japan. The Minister should know that I am aware of the fact because, Mr. Acting Deputy Speaker, I have the information. In his Ministry I know an engineer who said, in 1965, that our country would take 15 more years before it can produce an African Engineer-in-Chief. Mr. Acting Deputy Speaker, is it not the same Minister, the present Minister who appointed our present Engineer-in-Chief? Did it take more than three years? That alone has proved the statement to be completely wrong, and a colonial mentality.

Every time, Mr. Acting Deputy Speaker, I have been telling this House that we can have our own African Deputy Commissioner of Geology, but do we have any today? We are told by the same people who are the members of that board that all Africans are incapable of becoming Commissioner of Geology. This is wrong, and all this is happening. Mr. Acting Deputy Speaker, I know that there is a very great difference. Several times I have visited the Kenya Polytechnic. When you go there you see that if a person comes from, let us say, Germany, Russia or Japan, his certificate and diplomas are misinterpreted. Mr. Acting Deputy Speaker, when you look at clause 11 (2), you see diplomas and even university degrees. Do you know these people who will be members, especially the man who

is going to be responsible on that board? I know the chairman will be a British. He will say that you are from Japan, Russia or Germany, and that is where you had your degree—

Mr. Mwithaga: On a point of order, the Member has just alleged that he knows that the man who is going to head this board is a Briton. Could he substantiate, in view of the fact that the Bill does not disclose anybody, and the Minister did not inform the House of any particular personality.

The Acting Deputy Speaker (Mr. Mati): Mr. Munyi, could you say how you know who will be the chairman of this board.

Mr. Munyi: In any case, Mr. Acting Deputy Speaker, Sir, all that I was trying—

The Acting Deputy Speaker (Mr. Mati): Order! Would you tell us how you know that or if you do not know, will you withdraw it.

Mr. Munyi: In actual fact Mr. Acting Deputy Speaker, Sir, the Minister will tell us but I was just assuming that he might be a Briton. In any case, Mr. Acting Deputy Speaker, Sir, if the Minister gives us an assurance that he will be a Kenyan, an African, I will be happy. We have a good number of engineers, this was just an assumption, Mr. Acting Deputy Speaker.

The Acting Deputy Speaker (Mr. Mati): All right, do continue.

Mr. Munyi: Thank you very much, Mr. Acting Deputy Speaker, Sir. In actual fact I was assuming. Now I want an assurance from the Minister that the man who is going to head this board, or the members of the board will be Kenyans. It does not matter whether it is Father Christmas who has a minimum knowledge of engineering or another Member of Parliament, Mr. Acting Deputy Speaker. It will be quite reasonable because we are proving that we always discuss technical matters, and that does not necessarily mean that we are technicians. This is what I want, Mr. Acting Deputy Speaker, Sir—a guarantee. We have a few engineers in this country; some have been embarrassed, and some, Mr. Acting Deputy Speaker, have been put in a position where they cannot turn their heads because the people who are ahead of them are trying to undermine them. Therefore, Mr. Acting Deputy Speaker, Sir, we would like all these engineers who have gone underground to come out. The Minister should do something to bring forward these people so that they can take responsible posts in the engineering sector and help in the economic advancement of this country. That is all what we want, Mr. Acting Deputy Speaker.

[Mr. Munyi]

Mr. Acting Deputy Speaker, Sir, I am very happy with countries which are giving us scholarships or bursaries for our young people to go and train in technological and engineering fields. Mr. Acting Deputy Speaker, Sir, during the colonial period, I know even our Engineer-in-Chief—the Minister is my witness—fought his own way to find education; he ran away to South Africa, and from there he flew and went to India, and later he went to Canada. The then Colonial Government did not want people to study engineering either in Britain or any other country. That is why, Mr. Acting Deputy Speaker, Sir, some of our young people who had a chance of going to Russia, Bulgaria, Yugoslavia and any other country, when they came back, Mr. Acting Deputy Speaker, they were being discriminated against. At present, when they go there and study on coming back their certificates are misinterpreted and they are told to go and see somebody at the University College, Nairobi, who has no knowledge or engineering. When they go there, they are told; “We do not know your certificates”. This is happening.

Therefore, Mr. Acting Deputy Speaker, Sir, it is high time—I know our Minister is a far-sighted man and I know he has done a bit of work in that Ministry and, therefore, we would like to appeal to the Minister that in future, he should be forming a group of advisers drawn from hon. Members. As soon as he does that, Mr. Acting Deputy Speaker, he will be regarded as one of the most dynamic Ministers we have in our Cabinet; and the sooner he becomes the most dynamic the better for us because the Ministry he is heading is a very important Ministry.

Mr. Acting Deputy Speaker, Sir, now to come to another point. I would like also to mention to the Minister that he has given us examples of university college in Kenya, or university college either in Tanzania or in any other country, but, Mr. Acting Deputy Speaker, all what the Minister should do henceforth, is try not to follow blindly any reports which is given by the expatriates because they can mislead him. When they find that a person, hon. Cheruiyot, hon. Kariuki, or hon. Kassa-Choon is good, or any other person, Mr. Acting Deputy Speaker, Sir, they tell him, “So-and-so, you know Mr. Minister, is not good; he does not like you, and therefore you must disqualify that man. His name must be removed from that list of registered engineers”. This is wrong, Mr. Acting Deputy Speaker, and therefore, it would be better, in future, if the Minister followed his own conviction. Whatever report he is given by the expatriate officer, for

they have one leg in Kenya and the other one in Britain—some have one leg in India, others have one leg in Pakistan. If you follow that man's advice and allow him to deceive you, then he will take your leg to Pakistan or to Britain and you will never know what you are doing and people will laugh at you. When we have expatriate advisers, although we should follow their advice, we should be very firm, Mr. Acting Deputy Speaker. The engineering field is a very important field and I very fully agree with my good friend hon. Cheruiyot. We sent him as our Assistant Minister and I think that he has been performing his duties successfully, and we like him because he commented and said that he knows of people who have done very well in other countries, but when they come back they are told that they do not have qualifications of any importance and that they should go and do another examination.

Mr. Acting Deputy Speaker, Sir, you imagine saying that to a person who has already graduated in a university, asking him to go to another university which is inferior to the university where that particular person was studying, and expect him to get a good report from the man in charge of that university. This will never happen, Mr. Acting Deputy Speaker, Sir. I know, Mr. Acting Deputy Speaker, how many times I have gone to the Ministry of Agriculture, I know there was a time, Mr. Acting Deputy Speaker, when a Government delegation went to foreign countries to recruit people to come and take over responsible posts in engineering, technology and other fields which deal with technical know-how. That delegation, led by the head of the Directorate of Personnel, went to countries like Britain, went to America, went to India, went to Yugoslavia, went to Czechoslovakia, went to Russia, went to Italy and they also went to Germany, and recruited people. These people were told that when they came to Kenya they would start working. Do you know what happened, Mr. Acting Deputy Speaker, Sir? When some of the students came back, they were told that there was no work because they were trained in Eastern countries. Those who were recruited in Britain, when they came back, were given appointments the very day they arrived back in Kenya; but those who returned from Eastern countries, including Germany and Sweden— You know the Britons or these experts never wanted anyone who was trained either in Sweden or any other country because they considered them inferior and lagging behind other countries in manufacturing and in engineering fields. They told them that they must do another examination. They stayed here and every time they went to the Directorate of

[Mr. Munyi]

Personnel they were told a different story. They went to Water Development Department and they were told to wait, some have been waiting whereas they had been told that they had succeeded. Later, some were told that they must go to University College of Nairobi to do another examination. You imagine, Mr. Acting Deputy Speaker, Sir—our university college is only a very minor institution and that it is only in 1970 when it will be a full university. When you take a person there, Mr. Acting Deputy Speaker, Sir, he is disqualified because these people are selfish and they do not want our fellow Africans to take over their positions, even G. G. Kariuki knows this very well. Do you expect a person who has been feasting on honey to leave you some without tasting more honey?

Therefore, Mr. Acting Deputy Speaker, I am not repeating but I am telling the truth.

[The Acting Deputy Speaker (Mr. Mati) left the Chair]

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

Since our good Minister has now agreed to put in a clause so that our great manufacturer, Maurice Gachamba will be recognized, I do not have any quarrel with him any more. But if he is not going to do that, then I am sure the nation will go to the Minister and ask him the reason why he did not register Mr. Gachamba yet he is one of the leading engineers in Kenya.

Now I come to clause 22 which has to do with the function of the Board (a) says:—

“the conduct of the business of the Board and the procedure to be followed by the Board in any inquiry under this Act;”.

All that I am asking the Minister to do is to see to it that at the time of appointing members to this Board he should not only appoint people of his own choice, people who will be recommended by, say, the Permanent Secretary or by other advisers in his Ministry, but he should get people from outside. It does not matter whether they are engineers or they are not. A lawyer can very well work on that Board. Any other hon. Member of this House, Omweri, Theuri can do very well on that Board. Thus the Board will get views and ideas from outside to know what the people think about this. If the Minister does not do this, then he will find that the people who have been appointed are just members who know nothing about our tradition, who know nothing about the problems our country is facing, who know nothing about the good work that is being done by people who are working on the field. People like the Gachamba, as I have said, should be taken

note of. Mr. Speaker, the people should go and see his plane. There is a recommendation and this should be taken note of; it is not only the question of reading about this in the newspapers. Every time we are told by the *East African Standard* what is happening. It is high time that the Minister should take a trip to Karatina and see the work that is being done by that man who is a prominent engineer. It is not good for the Minister to rely on reports in the *East African Standard*, in the *Daily Nation* and in the *Taifa Leo*. The newspapers are doing their work all right, but when the Minister reads this in the papers, he reads something that has caught the attention of the masses in Kenya. The Minister should take a trip to see for himself. Mr. Speaker, I would like it if the Minister can accompany me one day so that he can go to the place and see the good work which is being done by that engineer. Now he is told, “You see, that is not true.”, or “this is happening in this way.”, and he does not know what the true position is. Karatina is not far away; hon. Wariithi comes from Karatina. I am sure we will also say that the Minister is welcome at any time to see the good work that our engineer is doing in Karatina.

Mr. Speaker, we read in history all about Stevenson, but we do not read the history of our people who have become manufacturers, engineers in the real sense of the word. This is the reason why this Bill was brought to the House, so that we can register our own people.

I do not want to labour much on this Bill, Sir, All I want to do now is to give my blessing to this Bill which is very important. We have been waiting for it for a long time. Now that the Bill has come to the House, I am sure it is going to be approved. I want the Minister to take seriously the opinions, ideas and suggestions we have put forward. I do not have anything else to say; and I have no quarrel whatsoever with any other clause in the Bill.

With these few remarks, Mr. Speaker, I beg to give my blessing to this Bill on condition that Maurice Gachamba, the African engineer in Kenya, will be recognized and registered.

Mr. G. G. Kariuki: Mr. Speaker, Sir, I rise to support this Bill because the Minister has brought it here in good time.

The only warning I would like to give the Minister is that when he selects the person who, is going to be chairman of this Board, he should take into account that some of our students who come from countries other than western countries have also been very well trained in this direction. This has been a problem to our students because

[Mr. G. G. Kariuki]

when they come to look for jobs they find themselves in trouble. They are told, "You have not been trained in a country that we know." Sometimes they are told that their degrees are different and cannot even be read by people who make the decision. I think the Minister will take this point very seriously and make sure that all our engineers who are trained in eastern countries will be accepted by the Board and that there will be no further complication. Sir, even today, when America is fighting hard to get to the moon, the Soviet Union is doing the same. Nobody can question the knowledge of this latter country. So, Sir, I am sure the hon. Minister, who is a very able Minister, will do his best to consider these people without bearing any ill feelings towards them.

The other point, Sir, is the point which my friend was talking about during almost the whole of his speech, repeating about Gachamba. What we should do here is to ask the Minister, kindly to take an interest in helping Gachamba in his business. It is a great shame to this nation when such a person like Gachamba is ridiculed by people talking in public about him, while Government does not take any interest in helping this man. This man lives only about a quarter of a mile from the Nairobi-Nyeri road.

He is in the town of Karatina and the Minister should make a point of seeing this gentleman. Recently the Assistant Minister went there. I do not know if he went there with full authority because the newspaper reports were contradictory. The statement issued was reported differently by *Taifa Leo* and the *East African Standard*, and we were confused as to whether this Assistant Minister was actually representing the Government or he went there on his own, just to show off his beard in that place. I think it is high time the Minister went there and saw this man for himself because he is a man who is very useful to our nation. Although some people have described him as a bush engineer, the Minister should take no note of that; he should go and find out for himself, whether this man is a bush engineer or a person to be relied upon.

Now I come to the question of local engineers. There is a boy from Nyanza Province who is making his own radio sets. I think this boy, and others like him, should be encouraged by the Minister. If they are not highly trained, they should be sent to courses in order that they can become good engineers. It is no good this Board merely expecting people to come from overseas or from our local university to recruit them to this Board. The Board must take interest in the

students who have a little knowledge and want to improve their knowledge of engineering. If the Minister does that, then the Board will be useful to our nation.

Since it is the general feeling of the Members that this Bill is a very useful one, I think we should not waste any more time debating it; we should merely pass it right away.

I beg to support.

Mr. Godia: Mr. Speaker, Sir, I also stand to associate myself with my colleagues who have supported the Minister who moved the Bill. The Bill is timely and we should pass it right away.

I would like to say a few words regarding the engineering profession. At present it should be possible for the Minister for Education to plan with the Minister concerned to arrange a syllabus so that engineering education is started in some secondary schools. We want to have some secondary school pupils continuing with this study of engineering to the degree level. In this way it will be possible for us to get most of the material we need locally. There are many young men and women who can be trained for engineering work; these are the people we can train locally. You find often that there is no provision for this in schools and colleges; and so the Minister for Education and the Minister for Works should work out a scheme whereby every year there will be a number of young men taking up the engineering profession from the time they are in secondary school.

I also support other colleagues, including Mr. Munyi and G. G. Kariuki, in appealing to the Minister to help this young man who is very famous. We do not know where he is at present. I know some Ministers have gone to see his work. If some Ministers have gone to see his work, why is it not possible for him to come here so that we can see what he can do. Maybe God can use this man to help him do great work for and in Kenya. Let us use him if possible. If there are any other young men in Kisumu or other places who are interested in taking up studies in special branches of engineering, let us help them.

I would also like the Minister to tell the House, when he replies, what are the activities— According to section 3 of the Bill it says:—

"There is hereby established a board, to be known as the Engineers Registration Board, which shall have responsibility for regulating the activities and conduct of registered engineers. . . ."

These young men who are in schools need to know what these activities are and what the conduct is that is expected of them. I understand these two things will be qualifications for registration.

[Mr. Godia]

Under section 6 of the same Bill, those who practise engineering are supposed to be registered and to be in possession of a certificate to indicate that they are of a certain standard. I would like to know from the Minister where he places the engineers who are trained at Sigalagala, Kabete and other technical schools, whether we have had any product from those places who would form part of these people who are registered.

The Speaker (Mr. Slade): Mr. Godia, is this a convenient moment for you to break off? It is time now for the interruption of business. You can speak again when we resume the debate.

MOTION FOR THE ADJOURNMENT

FREQUENT RAIDS BY TURKANA ON POKOT

The Speaker (Mr. Slade): I will ask a Minister to move that the House do now adjourn.

The Minister for Works (Mr. Mwanyumba): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Matano) seconded.

(Question proposed)

Mr. Kassa-Choon: Mr. Speaker, Sir, first of all, I want to say that I am very grateful for this opportunity to speak. During this short time of, say, ten minutes which I am given I will explain some of things which I feel hurt the people of Pokot.

I want to say, right from the beginning, that the answer which was given by the Assistant Minister was unsatisfactory. The answer, to some extent, was good except that I expected the Assistant Minister to go further than the information he gave the House that day. The question was about the number of cattle taken by the Turkana raiders, and there was something about the establishment of police posts in the district. The answer I was given was that the Government was taking every possible steps to prevent these raids. As to the second part of the answer, it was that two police patrol bases had already been established at Lotongot and Sigor and it was not intended to construct one at Chesegor or Lodwar at this stage. He went further and said that the position was, however, being watched carefully.

Mr. Speaker, I want to refer to part (b) which refers to the number of cattle stolen during 1968; I think I had better explain this now because it will enlighten the House. In 1968, nine Pokot were killed and 1,575 cattle were stolen by the Turkana and Ngoroko. This year, four persons were killed and 1,122 cattle taken away by the Turkana raiders.

What made me raise this matter on adjournment is that the Assistant Minister did not tell the House what steps the Government was taking to recover the animals: 2,697 of them. We were not told either what sort of compensation was going to be given to the families of the 13 people who were killed by the Turkana. We were not told, also, whether the patrol bases at Sigor, which the Assistant Minister mentioned in his reply and Lotongot were permanent ones or just temporary. In my supplementary question, I asked the Assistant Minister whether this was going to be permanent and he said there was no need for this. The Government was watching the situation. This made me feel dissatisfied and that is why I decided to raise the matter on the adjournment so that I could tell the Assistant Minister that the situation in that area was not good at all. The Pokot are demanding that these 2,697 head of cattle should be returned and compensation paid to the families of those who were killed. Let the Government take any possible steps to do something rather than merely say, "We are watching the situation". The situation there is very ugly just now. The Pokot are planning to take revenge, something of that kind, for the simple reason that they cannot sit back and watch things moving in the wrong direction.

This attack took place last year and it is now one-and-a-half years since the Turkana and Ngoroko crossed the border, attacked the Pokot *manyattas* and took away these head of cattle. The Government has done nothing to recover these animals. I want to hear today from the Assistant Minister what he has to say. He may be in a position to tell us, when replying, what kind of action— Perhaps at that time he was not able to give us more information but today he may be able to give us some more information about the steps his Ministry is taking to recover the stolen animals.

Also, it is surprising because Turkana District is part of our Kenya—it is rather astonishing to see members of one tribe crossing the border and attacking other tribes, when the Government is merely watching the situation. Why can the police not go into this district and show the Turkana people that this is their Government? We are always talking about the efficiency of our police and we do feel that they do a lot of work; they work day and night to see that there is peace in the country. However, you see in this part of the country—I do not know whether it is because it is very remote—why should they be given that opportunity to go to other places to kill people, rob other people's property and get away with things like that? This is the question I am asking.

[Mr. Kassa-Choon]

The other day, Mr. Speaker, when I was asking this question, one hon. Member from that area said that 138 Pokot were killed when they crossed the border and entered Turkana. Sir, there is no logic in that because how can the Pokot cross into Turkana with their animals? It is obvious and you can see from the statistics which the Minister gave me, that it is the Turkana who came into Pokot District and killed a lot of defenceless people because they had rifles and they got away with these animals. Therefore, it is obvious that it is these people on the other side who come and attack the Pokot.

Therefore, Mr. Speaker, I just want to tell the Minister now that the tension there is very high. I wish to say that when I was in Pokot last week I heard what they have to say and that is that if they cannot be given an assurance from the Government as to what will happen next they will, perhaps, have to take the law into their own hands and cross the border into Turkana and take whatever they can. We must avoid this, Mr. Speaker, and, to avoid this, we must show the Government that things are not good there. Steps must be taken so that the situation is brought under some kind of agreeable solution.

Mr. Speaker, therefore, I did not want to say a lot, except that I want to ask the Assistant Minister that his officers in that district should be taken to task because you cannot hide these things. Where do the raiders hide cattle? Turkana District is a semi-arid area and there are no thick forests; only *manyattas*. So, how can these animals just disappear like that without being recovered?

Therefore, Mr. Speaker, I do not want to say much. I have just brought this kind of situation to the House to tell the Minister that some kind of remedy should be found so that we stay in peace. We have some Turkana who live in West Pokot and we do not want to kick them out, and we would like this kind of situation to be settled so that we stay together as brothers. There are some Pokot in Turkana but there are very few who live with them.

Mr. Speaker, unless we settle this, I do not think there will be any peace in that part of the country, and that is why I have come to this House to plead with the Assistant Minister, and the Government, that the situation there should be watched very carefully. Also, they should establish more police posts along the border. The police posts, he said the other day, were only temporary; if they are only temporary, those Turkana living on the other side are just watching

until they are taken away, and when they pull out they will certainly attack again.

Mr. Speaker, with those few words I beg to move.

Mr. Lorimo: Mr. Speaker, I do not want to say much and I will be short.

Mr. Speaker, I am thanking the hon. Member for having brought this question. This question has given us headaches. I am a Pokot, Mr. Speaker, and as a Pokot when I see my people being killed sometimes I am annoyed. One thing has been said and that is that blood is thicker than water. If blood is thicker than water, Mr. Speaker, when I see my people being killed—when I see Pokot being killed by Turkana—it means that I am annoyed, and that means that all the Pokot are annoyed.

Mr. Speaker, I am very sorry and I wish the Turkana Members were here to hear what I have to tell them. When they come, Mr. Speaker, I wish to ask you, Mr. Speaker, that tomorrow, when the Turkana Members come in here, you will tell them that all the people of Pokot at home are annoyed.

Mr. Speaker, West Pokot, especially West Pokot, has more than 17 tribes there, including Turkana. If Turkana kill Pokot in one end, what will be the reaction? Supposing we in the central part say, "All right, we do not want you Turkana", I am sure, Mr. Speaker, even Areman here, even Ekitella, will find—

The Speaker (Mr. Slade): They are your honours' friends, Mr. Lorimo.

Mr. Lorimo: My hon. friends. Supposing we say that we do not want the Turkana to step on to Pokot land, what will the hon. Areman say, what will the hon. Ekitella say? The Pokot people are feeding the Turkana; they come for *mahindi* and for other things, but supposing we tell them they cannot have them, what will happen? If the Turkana start killing the Pokot now, we shall react, as the hon. Member said. If the Government is not very careful, Mr. Speaker, things will be very bad between the Pokot and the Turkana.

Mr. Speaker, I am warning the Minister for Home Affairs and the Vice-President, that unless he takes steps to settle this, there will be an emergency.

May I ask the Vice-President and the Minister for Home Affairs where the Turkana got these arms? I am asking the Vice-President where the Turkana got these arms to kill the Pokot. These 13 people who were killed, I think it was by shooting with guns. Where were these guns obtained from? Why have the Pokot got no

[Mr. Lorimo]

guns? Why does not the Ministry of Home Affairs find out where the Turkana obtain the firearms from? I am a Member of Parliament and if I go to the Ministry of Home Affairs and ask for a firearm, I will not be given one. They will want to know why I want a firearm, so where do the Turkana obtain the firearms from? I understand you have to be registered to own a firearm; I understand they do not know at the Criminal Investigation Department, I understand there are so many Turkana owning firearms, which is nonsense. Why cannot they find out where do the Turkana obtain these firearms?

Mr. Speaker, I am told the people in West Pokot are called Ngoroko, they are Turkana, and when the Government tells us they are Ngoroko, what do they mean by Ngoroko? Why do they come to West Pokot? One day, Mr. Speaker, we had a border meeting between the Turkana and the Karamajong at a place called Murogogoi. The Vice-President will know this place.

..... (Inaudible.)
the Member of Parliament for West Pokot a long time ago, and when we held this meeting we were told by the District Commissioner, Lodwar—I was there personally together with my friend hon. Kassa-Choon—that those Karamajong are not Turkana but Ngoroko are Turkana. What is this Ngoroko. I do not understand what Ngoroko is.

Mr. Speaker, I would ask the Government to find out from where the Turkana obtain their firearms. I know, Mr. Speaker, and I have tried my very best, doing my homework, to find out where they obtain them from. I cannot give the results, otherwise, If I do so, I will be going against some kind of thing. If the Vice-President and Minister for Home Affairs would like me to tell him then I will do so sometime privately.

The next thing I am asking, Mr. Speaker, is that the Vice-President and Minister for Home Affairs will— One day I personally asked in this House if there could be a meeting between the Members of Parliament for Turkana, Pokot and for Baringo to be held at a place to be suggested by the Vice-President himself, and I, as a Member for the Pokot, would be there. I am asking the Vice-President now to convene the meeting so that this matter can be solved. Let us hold a meeting of *wazee*—“*wazee*” means old men; let them meet together and they can tell these *lorimo*—*lorimo* is a young boy—that they are going too far; this is our traditional African way of life, or African way of doing things.

I am asking the Vice-President to convene the meeting which should consist of the Members of

Parliament from Baringo, the Members from West Pokot, and also the Members from Turkana to be held at a place somewhere in the middle, and the meeting should also be attended by the *wazee* from Turkana, from Marakwet, from West Pokot and from somewhere else, so that all of us together sit down and try to sort out our differences.

I understand, Mr. Speaker, that in Uganda now the Pokot there and the Karamajong there have tried to compromise, and settle their differences.

Mr. Speaker, my last point is that when the Government answered the question originally, they said they were taking all possible steps to prevent this. This is nonsense, Mr. Speaker. Mr. Speaker, I personally have asked many questions here about an increase in police, of the administrative police, but when will this take place?

Secondly, Mr. Speaker, I have asked something about the tribal raids and raids on cattle, and I was told by the Vice-President that the position was being watched carefully. What do they mean by the position being watched carefully? If they say things are being watched carefully then it is all nonsense. I would like the Minister who is going to answer the question to tell me for how long the position is going to be watched carefully.

Mr. Speaker, I do not want to say much, but I will go back to the cattle raids. Mr. Speaker, it is almost—and the Government knows—1,578 head of cattle were stolen by the Turkana. There were 1,122 stolen in 1969. Mr. Speaker, when you see your belongings being stolen, then surely you have to defend yourself? The Pokot are very faithful, they are as faithful as a dog. If the Pokot are as faithful as a dog, Mr. Speaker, and the Government do not do anything, then we will react, and, when we react, Mr. Speaker, then I do not want the Government of Kenya to come and ask me why the Pokot are doing these things.

Thank you, Mr. Speaker.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, it is always easy to be emotional in this House, and blame the Government for all the dirty things which are being done everywhere and not to make constructive criticism and constructive suggestions.

It is true, Mr. Speaker, that raids by the Turkana on the Pokot tribesmen have caused considerable concern to the police and administration, although they are not so serious, perhaps, as the Member for Pokot, Mr. Kassa-Choon, suggests. Four incidents of attacks by the Turkana on the Pokot have taken place since the beginning of 1968, and the details are as follows.

[The Vice-President and Minister for Home Affairs]

On the 26th February 1968, a party of Turkana raided a Pokot *manyatta* near Kongelai. The Turkana killed 19 Pokot tribesmen during the raid, and injured five others. 4,000 head of cattle are also alleged to have been stolen. A major battle between the two tribes was averted by the police and the administration police and the situation was later calmed down by the Deputy Provincial Commissioner who held *barazas* on the border.

Secondly, on the 18th March 1968, a gang of about 20 Turkana, some armed with rifles, raided a Pokot *manyatta* east of Kapenguria and stole 500 head of cattle and 80 donkeys. Three Pokot were killed in the raid. Kenya Police and administration police followed the raiders and recovered all the stolen stock.

On the 11th February 1969, a gang of Turkana attacked a Pokot *manyatta* near Lasaroli village and killed four Pokot men and one woman. Some 700 head of cattle, 500 goats and 150 sheep were also stolen.

On the 13th March 1969, a gang of Turkana carried out a raid in West Pokot near Sigor and killed four Pokot tribesmen, and two Turkana were killed by the Pokot in retaliation during the raid.

In addition to the above, Pokot and Suk tribesmen from East and West Pokot carried out the following raids on the Turkana.

On the 15th April 1968, a party of Pokot armed with spears and bows and arrows attacked a Turkana *manyatta* 12 miles north of Karpedcto. Two Turkana were killed and two wounded but no stock was stolen.

On the 19th September 1968, south of Murogogi, Suk believed to come from West Pokot, raided a Turkana *manyatta* and killed three Turkana women, four young boys and one girl aged two months. Two Turkana men were also injured.

On the 7th November 1968, a party of Suk from East Pokot attacked a Turkana *manyatta* near Kalossia and speared one Turkana youth. In retaliation, the Turkana killed one Suk.

Mr. Lorimo: On a point of order, Mr. Speaker, they were Suk but they were not Pokot.

The Speaker (Mr. Slade): Order! You cannot interrupt on a point of order. You can ask for substantiation of a fact if you like.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): It will be seen the Turkana are not always the guilty party—

Mr. Lorimo: On a point of order, Mr. Speaker, since we do not have a tribe called the Suk, could the Vice-President and Minister for Home Affairs tell us who the Suk are?

The Speaker (Mr. Slade): Yes, he can answer that.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): He knows, Mr. Speaker, in books, in maps, this name is mentioned. Until these things are cleared the hon. Member should know who they are. When he talks about the problems of the Pokot, he should not be in the position which he is in now.

Mr. Speaker, Sir, as I said before, although it will be seen the Turkana are not always the guilty party, although they generally appear to take the initiative in instigating raids. Of course, they have the advantage that some of them are armed.

I would like, Mr. Speaker, and the hon. Member did ask from where the Turkana obtain their firearms. It is known, if he would only use his common sense, that the Turkana go towards Ethiopia and they raid Ethiopian Merille, and they collect these firearms. The Government, for a number of years, have disarmed the Turkana and from time to time they recover these firearms by arresting the Turkana who possess them. Therefore, when the Government is doing its best the hon. Member comes here and accuses the Government. He should himself talk to the Pokot in his own area and talk to the Members who live on the border. Although he asks me to go and hold *barazas*, how often can I hold them to make the hon. Members see sense to talk to their constituents?

Another point, Mr. Speaker, I know the area and I would ask the hon. Member how often does he visit these areas? How many times has he contacted, for instance, Mr. Ekitella, the Member for Turkana South, or Mr. Areman, and discussed the problems of this area?

I have always said the solution to curbing tribal clashes or raids is not to build police posts all over the place. The solution to the problem is for the hon. Members to talk to the people and not to incite people. The hon. Member was at his best as far as emotion is concerned, in talking about retaliation and not saying how best they can solve the problem.

Mr. Speaker, I know I will be visiting the area soon. I am going to his area on Sunday for a different purpose, but I would like to assure him that the Government has always done its best. We have done our best to maintain border control

[The Vice-President and Minister for Home Affairs]

and I would like also the Members for Turkana to assist the Government in getting the Turkana to surrender their firearms to the Government. Recently, the police, together with the General Service Unit, combed most areas in Turkana and managed to recover a lot of the cattle which had been stolen, and many Turkana are very appreciative and they are doing everything possible to see people should maintain law and order.

I assure the House, Mr. Speaker, that, so far as my Ministry is concerned it has done its best and will continue to do so with the co-operation of the hon. Member if he can control himself. If he cannot control himself then how can he control his Pokot men?

ADJOURNMENT

The Speaker (Mr. Slade): That is the end of our time so the House is now adjourned until tomorrow, Wednesday, 18th June, at 2.30 p.m.

The House rose at Seven o'clock.

Wednesday, 18th June 1969

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

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

PRAYERS**PAPERS LAID**

The following Paper was laid on the Table:—
Vote on Account—Financial Year 1969/70.

Estimate showing the several services for which a Vote on Account is required for the year ending 30th June 1970.

(By the Minister for Finance (Mr. Gichuru))

ORAL ANSWERS TO QUESTIONS*Question No. 270***SIAYA DISTRICT HEADQUARTERS**

Mr. Odero-Sar asked the Minister of State President's Office to state how long it would take the Government to build the headquarters of Siaya District.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. At present, a contractor has been appointed, and has already started preliminary work on the site where the headquarters building at Siaya is going to be. If things go well, it is estimated that the work will be finished by the middle of 1970.

Mr. Odero-Sar: Mr. Speaker, Sir, arising from the Minister's reply, is he sure that the work has been started there, because if you go to the place at Siaya, nobody is working there? When did they start work?

Mr. M. Koinange: After the contractor has been appointed, then work on the site takes place in the form of surveys, and other routine work in the office, and if the hon. Member is not there every day he may not see the people. Sometimes he may go there and find no one about, and at other times he may be there and find someone.

Mr. Ondiek-Chillo: Could we hear from the Minister the name of the contractor who has been offered this work?

Mr. M. Koinange: Mr. Speaker, Sir, the hon. Member should know that we are not bringing a story here. This is a name I will not disclose.

Mr. Obok: On a point of order, is the Minister in order to refuse to give the House the name of the contractor?

The Speaker (Mr. Slade): Yes. Yes, he is in order.

*Question No. 271***TEMPORARY D.O.S IN UKWALA**

Mr. Odero-Sar asked the Minister of State, President's Office if he would consider handing over the responsibilities of the District Officer for Ukwala to the district commissioner because the district officers sent there were temporary.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. I do not agree with the hon. Member's allegation that the district officers posted to Ukwala Division are temporary. He uses the word "temporary". They are either on probationary or permanent and pensionable terms. In view of this, that question does not arise.

Mr. Odero-Sar: Mr. Speaker, the Minister has understood my question differently from the way I intended it. Is the Minister not aware that all the district officers in Ukwala seldom stay for more than one month without being transferred? How is the area being developed if the district officers are just temporary in Ukwala Division?

Mr. M. Koinange: Mr. Speaker, Sir, that is definitely a different question.

Hon. Members: No.

Mr. Odero-Sar: On a point of order, Mr. Speaker, was my supplementary question different from what has been put in the question on the Order Paper?

The Speaker (Mr. Slade): I am sorry, but I missed it. I was otherwise engaged. Would you ask it again, and I will tell you.

Mr. Odero-Sar: Mr. Speaker, Sir, since 1966, until this year—

Hon. Members: No.

Mr. Odero-Sar: Since 1966, the district officers who have been sent there to develop the area have stayed there for not more than one month. Why is it that the district officers sent there are just temporary? The area cannot be developed because of these transfers ever so often. That is why I wanted the Minister to assure me that the district commissioner, who is there permanently, would get the responsibility to develop the area.

The Speaker (Mr. Slade): I think that is part of the same question.

Hon. Members: Yes, yes.

Mr. M. Koinange: Mr. Speaker, I heard him say "1966, this year". I do not know how I can answer "1966, this year". Which is which?

The Speaker (Mr. Slade): The hon. Member made it clear what he meant. "This year" was a slip. He was referring to the very temporary service of district officers over the last three years.

An hon. Member: The Member is confused.

Mr. M. Koinange: There is a district officer who is in charge of Ukwala Division, and there is no need to hand over the responsibility to the district commissioner. The transfer of administrative officers, who have been posted to Ukwala Division, has been effected in the normal way, and that very fact is not intended to embarrass the Member at all, because transfers are part of the administrative work and should not worry the Member at all.

Mr. Odero-Sar: Mr. Speaker, Sir, is the Minister aware that the district officer who is now in Ukwala came just after the district officer who had been there was transferred? How did he hand over the responsibility of the division?

Mr. M. Koinange: Mr. Speaker, Sir, the administration has to be done according to the administration, and the work of the area has not been affected by that at all. If the Member could point out what deficiency of the work has been actually taking place because of this transfer, then that is a different thing.

Mr. Odero-Sar: Mr. Speaker, Sir, I do not think the Minister has replied. If the district officer who is there now took over the office which was vacant after the district officer who was there was transferred, who handed over to him? How did the hand-over take place?

Mr. M. Koinange: There is nothing wrong with that, Mr. Speaker, Sir.

Question No. 265

CLOSURE OF DEALINGS WITH U.D.C.

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

- (a) what had been the reason for Government's transferring the financial dealings for hire purchase of vehicles from the United Dominions Corporation to Central Bank of Kenya;
- (b) why had it been necessary to raise the loan interest from the former 5 per cent to 8½ per cent; and
- (c) why had it been necessary to abolish dealings with the United Dominions Corporation and to continue to borrow money from Commonwealth Development Corporation, both being British institutions.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to reply. (a) The Government has not transferred the new hire-purchase business of the civil servants and Members of the National Assembly from the United Dominions Corporation to the Central Bank of Kenya, but to the National Bank of Kenya Limited.

The main reason for transferring the business was that the National Bank of Kenya is a fully Government-owned financial institution and if it could handle the business in a better and cheaper way, it was considered it should do so.

(c) It is not correct, Sir, that the interest charged by the United Dominions Corporation was 5 per cent and again that which is charged by the National Bank of Kenya is 8½ per cent. The interest rate used by the United Dominions Corporation was 5½ per cent flat. For the information of the House, the flat rate of interest increases total interest paid in financial—in money—terms considerably and, depending on the length of the period of loan, the effective rate charged by the United Dominions Corporation worked out to as much as 10 per cent *per annum*. The rate by the National Bank of Kenya is 8 per cent *per annum* on reducing balance and thus there is a reduction of net interest costs on these loans. It has been estimated that under the new arrangements, the Members of the National Assembly and the civil servants would save approximately K£20,000 *per annum* in interest costs.

(c) I have already explained the reasons why the hire-purchase scheme was transferred to the National Bank of Kenya. However, I should like to state we borrow money from any source, provided its terms and conditions are satisfactory and conducive to our own economic growth.

Mr. Kebaso: Mr. Speaker, Sir, when the Government was taking over the business from the private sources, it was doing so in the interests of people of this country, but when we find that — Will the Minister tell the House what we gain—this K£20,000—Members and civil servants can make after the increase of 3½ per cent from 5 per cent to 8½ per cent?

The Speaker (Mr. Slade): Mr. Kebaso, I think you heard the answer. The Minister has told you that the net result is that the rate of interest is less, and that, consequently, a lot of money is being saved for the benefit of those who deal in hire-purchase.

Mr. Kebaso: Mr. Speaker, Sir, it is not true that we make a profit; our own money is saved, because individual members or civil servants are not bound only to put their money in the National

[Mr. Kebaso]

Bank of Kenya, but they can put it in any other private fund. That is why we are not getting any benefit from this because we bank our money in any private bank; we are not bound to put our money into Kenya National Bank Limited.

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

Mr. Lubembe: Mr. Speaker, Sir, can the Minister agree with me that by transferring this project to the Central Bank, he has assisted all the people who have had trouble with the United Dominions Corporation and he should expand it to more people taking an interest in it? Can you do that?

Mr. Gichuru: Mr. Speaker, Sir, I would like to correct my friend, the hon. Mr. Lubembe, that this money has not been transferred to the Central Bank; it is with the National Bank of Kenya Limited. In this way, if I may answer the previous question, this is our National Bank. If this particular person, the hon. Member from North Mugirango, feels that we ought to deal with the foreign banks and not use our own bank, I would like to know the reason why?

Mr. Bala: Mr. Speaker, Sir, now that we are dealing with the Kenya Bank, would the Minister use his influence to see that we get a four-year loan instead of 36 months which is embarrassing Members of Parliament?

Mr. Gichuru: Mr. Speaker, Sir, while I consider this as another different question, I feel definitely that the hon. Members ought to exercise caution in borrowing, because borrowing is just borrowing. If they want to buy a Mercedes Benz, well they will have to foot the bill. The point is this, if the hon. Member went out this afternoon, he would find that I am running a little Fiat car, and I was driving it myself yesterday. I would like to advise many hon. Members who are running into a shortage of money to exercise a little care in finance.

Mr. Mbai: Mr. Speaker, Sir, arising from the Minister's reply, could he tell me and this House, whether this change of hire-purchase agreement from the United Dominion Corporation to the Kenya National Bank Limited has affected the hire-purchase agreements which are already in force with the United Dominion Corporation or whether it is going to affect the new undertaking of hire-purchase agreement?

Mr. Gichuru: Mr. Speaker, it is definitely going to affect in one way or another the new ones, but it will not affect the existing arrangements.

The Speaker (Mr. Slade): Next question.

Question No. 229

SALE OF TEA PLANTS AND CUTTINGS—KAKAMEGA

Mr. Godia asked the Minister for Agriculture if the Minister would consider extending the time for selling vegetative propagation units in Kakamega District to one year in order to enable as many tea growers as possible to purchase these units.

The Assistant Minister for Agriculture (Mr. Murgor): Mr. Speaker, Sir, I beg to reply. The period for the sale of vegetative propagation cuttings has been extended to the 15th July 1969, to enable those districts which have not bought all their allocation to do so. The extension of this period was necessitated by the very slow progress in the sale of cuttings in certain districts, including Kakamega District. It is not practical to extend the selling period for one year. The plants require a minimum of six months before they are ready for planting in the field. The plants which will be planted in April next year will have to be in the nurseries by August this year at the latest.

The other point is that the distribution of cuttings to the districts is a mammoth job calling for very careful organization. The authority must know the requirements of each district long before the actual distribution takes place.

The Speaker (Mr. Slade): Will hon. Members please make less noise in their private conversations.

Mr. Godia: Mr. Speaker, Sir, arising out of the reply from the Assistant Minister, is the Assistant Minister not aware that it is the wish of Kakamega that the selling of vegetative propagation cuttings be extended to one year, and if that is so why can he not comply with the wish of the people?

Mr. Murgor: Mr. Speaker, Sir, the wish of Kakamega is one wish, but we have so many wishes from all over the country. Sir, we are considering the whole of Kenya and not just one district and, in this particular case, I think the time given to Kakamega District is enough if they really mean business with this planting.

The Speaker (Mr. Slade): Next question.

Question No. 262

ASSISTANCE TO AFRICAN-GROWN TEA MARKETS

Mr. Shikuku asked the Minister for Agriculture if he would tell the House what action the Ministry was taking to assist African tea growers with the acreage of 10-20 medium sized tea farms produce to be processed by the large-scale farmers for the purpose of getting higher market prices rather than the 40 cents

[**Mr. Shikuku**]

per pound for green leaf tea which was normally paid by the Kenya Tea Development Authority on an uneconomic basis.

The Assistant Minister for Agriculture (Mr. Murgor): Mr. Speaker, Sir, this will be a rather long reply, but I will try my best to make it short.

Mr. Speaker, Sir, I beg to reply. The African tea growers, with the acreage mentioned by the hon. Member, seem to be outside the Kenya Tea Development Authority area of operation, since the average acreage of Kenya Tea Development Authority growers is much smaller than this. In the circumstances, Sir, these growers must comply with the condition on their licences from the Tea Board to provide their own processing facilities or make an agreement with the nearest plantation tea factory to process their leaf.

It is not true to say that the plantation tea factory areas are getting higher market prices than factories under the Kenya Tea Development Authority. All the tea produced in Kenya is either sold on the local auction in Nairobi or on the London auction mart where tea fetches a price in accordance with its quality and demand for it. Some of the Kenya Tea Development Authority factories produce tea which is of the highest quality and fetches the highest price.

Mr. Godia: Mr. Speaker, Sir, arising out of the reply from the Assistant Minister, can the Assistant Minister do anything to get Kenya tea marketed in West Germany?

Mr. Murgor: Mr. Speaker, I think this is a different question altogether.

Mr. Shikuku: Arising from that reply where the Assistant Minister has given me a forest of words which have boiled down to nothing, could he tell the House, Sir, how much a farmer gets—a small-scale farmer—as a price on the local market? Is it not true that they get 23 cents when this tea is sold on other markets outside the farming area at 60 cents a pound? Does he agree with me on that?

Mr. Murgor: Mr. Speaker, 40 cents is paid to the growers for each 1 lb. of green leaf supplied to the factory and this is not the final payment; there is usually a second payment which has usually been, during the last three years, 12 cents per pound, and this is dependent on the profit made by the factory on selling the tea which has been processed.

If the tea growers mentioned by the hon. Member are within the Kenya Tea Development Authority area of operation and they are near a Kenya Tea Development Authority factory, then they are obliged to deliver their tea to that factory.

It should be appreciated that the Government has borrowed a lot of money—£2 million—to provide the processing facilities for the Kenya Tea Development Authority tea growers. These factories are expected to repay these loans and they cannot do it unless they have an optimum amount of green leaf to process in order to keep their costs of processing to a minimum.

Mr. Makone: Mr. Speaker, Sir, the Assistant Minister seems to be evading the main question. The main question is, is the Assistant Minister aware that the 23 cents paid to the growers is uneconomical and as such tea is proving a useless crop to the farmers? Are you aware that the 12 cents you are referring to is not 12 cents, it is 10 cents? Is that fair?

Mr. Murgor: Mr. Speaker, Sir, the 23 cents is after deduction of the loan given to the farmer in the first place.

Mr. Kebaso: Mr. Speaker, Sir, I do not understand why the Assistant Minister is so vague in his answers. Will the Assistant Minister confirm to the House that beside the taxes and loan repayments for this money borrowed, he has omitted the money deducted for devaluation of the pound?

Mr. Murgor: Mr. Speaker, Sir, all these things are taken into account.

The Speaker (Mr. Slade): Next question.

Mr. Shikuku: Mr. Speaker, it has become customary by the Ministry of Agriculture not to provide the House with replies to the hon. Members in writing; you just ask and you do not get a reply as we do from other Ministries. Is it in order for them to continue doing this?

The Speaker (Mr. Slade): I have said so many times, Mr. Shikuku, that dissatisfaction with a reply does not give you a point of order.

Mr. Shikuku: On a point of order, Mr. Speaker, I am not dissatisfied with the reply, but the replies which are read by the Ministers are usually supplied to the Members in advance—at least you collect them five minutes before time—but with this Ministry we do not get these replies; is it in order for them always to refuse to give us replies before they answer?

The Speaker (Mr. Slade): I apologize, I misunderstood your point. No, it is actually a matter of courtesy that Members are supplied in advance with a copy of the reply that the Minister intends to give. Sometimes, indeed, he gives an oral reply, spontaneous, without it having been written for him at all by somebody else; it is very often a better reply that way but you do not get a copy beforehand.

NOTICE OF MOTION FOR THE ADJOURNMENT

MATTER OF REPLY TO QUESTION No. 262:
ASSISTANCE TO AFRICAN-GROWN TEA MARKETS

Mr. Makone: Mr. Speaker, if the hon. Member does not object, I would like to pursue this matter on the Adjournment.

Mr. Shikuku: Certainly, Mr. Speaker, I will give him 177 per cent support.

The Speaker (Mr. Slade): Very well.

Next Question.

Question No. 275

TRANSPORT OF MAIZE FROM SONDU MARKET

Mr. Ondiek-Chillo asked the Minister for Agriculture if he would tell the House—

(a) why was it that even those people leaving Sondu Market with less than a bag of maize were being arrested though the allowance was two bags; and

(b) since during the colonial régime one was allowed to transport five maize bags free of interference, why had this been reduced to two bags after independence.

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

At present, the law requires that any person who moves more than two bags of maize should have a movement permit issued by the Maize and Produce Board. Recently there has been a considerable increase in the illegal movement of maize in the Sondu Hills area as a result of which concentrated efforts were made by the police to arrest those concerned in accordance with the law. No person moving less than two bags of maize was arrested.

Mr. Ondiek-Chillo: Arising from that answer, Mr. Speaker, would the Assistant Minister assure the House that any police who arrest a woman who carries just half a bag of maize is acting illegally and should be prosecuted? Could he assure the House that that is according to the law.

Mr. Murgor: I said in an earlier reply that anybody moving less than two bags does that legally, but moving more than two bags is illegal.

Mr. Thimangu-Kaunyangi: Mr. Speaker, Sir, arising from that reply, would the Assistant Minister assure the House that, moving of not more than two bags does not matter whether you move it in a bus, a Land-Rover or a lorry?

Mr. Murgor: Mr. Speaker, Sir, movement is movement. I said movement of less than two bags is legal; no matter where you move it and how you move it.

Mr. J. K. arap Soi: Mr. Speaker, Sir, is the Assistant Minister still deferring one question which has been asked, as to whether it is legal for a policeman to arrest a woman or a man moving maize of less than two bags either by a donkey, or his or her back, a bus, or a wheelbarrow? Is it illegal, therefore, for such a policeman to arrest such person who is moving maize legally to be taken to court?

Mr. Murgor: It is illegal for anybody to move maize which is more than two bags.

The Minister for Finance (Mr. Gichuru): On a point of order, I would like to seek your guidance. We are very unfortunate, we who sit on this Front Bench. The point is, can we not help the other Minister if we feel like it?

The Speaker (Mr. Slade): No. Mr. Gichuru, I understand you desire to help, but every Minister has to look after himself on these occasions.

Let us go on now. But Mr. Murgor, since two hon. Members have complained of not receiving in advance copies of your reply, and since you seem to be working on written replies, I hope your Ministry will follow the usual practice of supplying in advance the copies of the reply which you intend to give.

Mr. Murgor: I will see to that.

The Speaker (Mr. Slade): Yes, thank you.

Question No. 248

PURCHASE OF D4 TRACTOR FOR KITUI COUNTY
COUNCIL

Mr. Mbai asked the Minister for Local Government if he would tell the House whether it was true that the Minister had refused to approve the purchase of a D4 Tractor by Kitui County Council for the purpose of dams construction.

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

No, Sir. The Council officers sought advice on the purchase of this tractor and were told that there would be no objection to the purchase being made from the Council's Renewal Fund. This fund was set aside by the council for such purposes.

Mr. Mbai: Mr. Speaker, Sir, arising from that reply, would the Minister assure me that, if the council puts forward an estimate for the purchase of a tractor for the purpose of water development, the Ministry will not hold it up but will approve it immediately?

Mr. Munoko: Mr. Speaker, Sir, if they are buying from the Renewal Fund, as I have said, they have the okay.

Question No. 209

FAILURE OF RENT CONTROL.

Mr. Thimangu-Kaunyangi asked the Minister for Housing whether he would tell the House if he was aware that the measures he was taking to control rents had not stopped landlords from charging exorbitant rents.

The Minister for Housing (Mr. Ngei): Mr. Speaker, Sir, I beg to reply.

Legislation is in existence, through the Rent Restriction Act, whereby tribunals exist at Nairobi, Mombasa, and Kisumu to adjudicate on all matters brought before them by the landlords and tenants in respect of dwelling houses within the scope of the Act.

If a tenant is paying more rent than was being charged on 1st January, 1965, plus the permitted increases allowed under Section 12 of the Act, he may bring an action to recover the excess rent claimed to have been paid. Specific instances of overcharging should be brought to the attention of the Rent Restriction Department and investigation will be carried out.

Mr. Thimangu-Kaunyangi: Mr. Speaker, Sir, it means that the Rent Restriction Act was brought to help the tenants who are being overcharged and I know—even by looking at the advertisements in the papers for the rent of various houses—that then rents before the Act and the rents after, this have risen very much. Will the Minister tell the House whether he agrees or not that rents have increased despite the Act and, therefore, there is a need of either amending the Act or probably giving the Act greater publicity to help the tenants?

Mr. Ngei: Mr. Speaker, Sir, in the Act it is clearly specified, that the rent in 1965—which is based on the foundation of the lowest rent—was taken when the rent charges were at their lowest ebb; and this was on the 1st January 1965. I will not, therefore, agree that rents have gone up. If the hon. Member, on the other hand, is thinking of luxurious buildings or, for that matter, premises that is a different case. If you can afford to pay for a luxurious house, for example, it is up to you to pay. The Act was provided to protect the tenants who have no ability to pay high rents. That is why the chargeable amount was based on January 1965 when rents were very low indeed.

Mr. Karungaru: Arising from that reply and bearing in mind that there are some premises in

Nairobi where downstairs there are shops and upstairs there are living rooms, and that the owners of these buildings had been renting to people at the rate of Sh. 100 and that they are now rented at the rate of Sh. 200 per room, what action is the Minister going to take to see that people are protected from these unscrupulous exploiters?

Mr. Ngei: Mr. Speaker, Sir, I made numerous announcements and I would like to appeal to the hon. Members of this House to help us by sending those people whom they represent to bring those cases before us and they shall be dealt with. The hon. Karungaru is aware of this information and—if he can bring to us those people from his constituency who are exploiters, they will be dealt with according to the law.

Mr. Jamal: Mr. Speaker, Sir, would the Minister not agree with me that the present Act covers only houses which have a rent below or under Sh. 800 per month and that there is no control on any house which fetches more than Sh. 800 per month?

Mr. Ngei: Mr. Speaker, Sir, I am aware of this because the Act was passed by this hon. House and the hon. Member sitting there gave assent to it. I think he is very aware of this and it is well known. If we have a case of overcharging and it is brought to my notice, I assure the hon. Members that it will be dealt with. I would like to say also that very soon we shall appoint some inspectors who will go round inspecting houses. They will not only investigate the rent but they will investigate the conditions of the houses and the garbage around them and then, perhaps action will be taken against those people who are not taking care of their houses.

Question No. 268A

FUNZI ISLAND BRIDGE

Mr. Mwamzandi asked the Minister for Co-operatives and Social Services if he would tell the House what assistance he had given or had promised he would give, in order that the bridge to Funzi Island in the Kwale District could be completed.

The Assistant Minister for Co-operatives and Social Services (Mr. Kalya): Mr. Speaker, Sir, I beg to give the following reply.

Assistance to self-help projects is given to assist people who have started a project to complete it. As the community in Funzi Island have not started building the bridge, it has not been possible to give or promise any aid. Government has so far assisted the group with 82 bags of

[Mr. Kalya]

cement for culverts, for a five-mile road from Mzambweni to the Island which was built by the people of that particular area.

Mr. Mwamzandi: Mr. Speaker, Sir, arising from the Assistant Minister's reply, in fact, I can correct him that the assistance wanted was not for Mzambweni road but for the small bridge to Funzi Island, is the Minister aware that the estimate for the project was over Sh. 10,000 and Community Development assisted with only 82 bags which amounted to a value of Sh. 984? Is this the only assistance which the Minister can offer to the people from the Coast or anywhere, because we have noted that people from up-country are offered big assistance by this Ministry?

Mr. Kalya: Mr. Speaker, Sir, we offer this assistance according to the projects and also according to the funds available in our Ministry. If the hon. Member can convince the Ministry, and if the funds are available, that the project is worthwhile helping, he is sure to be helped.

I do not think we just give money to up-country people haphazardly; we look into these projects and we assist those projects which we know have been aided by the people themselves and are projects which are not going to fail. I would like to advise the hon. Member, Mr. Speaker, that if he could come to our offices and discuss this matter with us, I am sure we will be able to look into this, and if he wants assistance we can give it to him.

Question No. 249

GRAPHITE DEPOSITS IN KITUI

Mr. Mbai asked the Minister for Natural Resources if he would tell the House what the Government was doing to encourage the exploitation of the graphite deposits which were to be found in abundance in Ikutha and Kaniko Locations in Kitui South Constituency.

The Minister for Natural Resources (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply. The graphite deposits in the Ikutha area of South Kitui have been intensively surveyed and the graphite-bearing rocks in this area have been subjected to mineral extraction testing.

In the past, these South Kitui graphite deposits have been worked on a small commercial scale. They contained about only 10 per cent of available graphite, and were not found in abundance as the hon. Member suggests in his question. This requires extraction by plant treatment requiring a large supply of water which is not readily available in that area.

Mr. Mbai: Mr. Speaker, Sir, in view of the fact that the Minister admits that there are graphite deposits in this area mentioned in the question, would his Ministry consider doing something to provide water facilities which are required to extract such deposits in the area?

Mr. Nyagah: No, Sir. Mr. Speaker, the question of water should be directed to my colleague, the Minister for Agriculture.

Mr. Mbai: Arising from that reply, Mr. Speaker, although the water question is one for the Ministry of Agriculture, does the Minister not agree with me that the question of extraction of graphite falls within his Ministry and if anything like water is required which is something which is the concern of another Ministry, it is up to him to negotiate with the Ministry concerned to do something in order to enable the project to start?

Mr. Nyagah: The question as put now, Mr. Speaker, is a little irrelevant as far as I am concerned.

However, I would like the hon. Member to know that the sale of graphite on the world market is subject to strict specification for use in the industry. Commercial extraction is best done from Madagascar and India. So far, Sir, we have not been able to attract to South Kitui any large commercial firm to come and do this extraction. When we have such a company, then the company investigating would see to the water position as well.

Question No. 276

COLLECTIONS FOR GATUNDU SELF-HELP HOSPITAL

Mr. Ondiek-Chillo asked the Minister of State, President's Office, as the *wananchi* had donated very generously towards Gatundu Hospital, whether he could disclose to the House the total amount collected to date.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. On 9th March 1967, I gave a reply to a similar question to the hon. Member and informed him that the Gatundu Self-help Hospital is a private project by the people of Gatundu and that the Government does not keep a record of donations that are made to it.

We still hold the same view with regard to any other project that is carried out in any other place.

Mr. Bala: On a point of order, Mr. Speaker, the Minister said that he had replied to a similar question by the hon. Ondiek-Chillo but I think it was to me that he replied and not Mr. Chillo. Is he not misleading the House?

The Speaker (Mr. Slade): The point was that it was the same kind of question to which he gave the same reply.

Mr. Ondiek-Chillo: Mr. Speaker, Sir, arising from that answer, and bearing in mind that although Gatundu Self-help Hospital is a private project just as any other self-help *Harambee* schools in the country, and before such projects are initiated, the Government gives permits for the collection of money, and since this one was initiated by the President, would it not be ideal if the Government, or the people of Gatundu, for that matter, would tell the country the amount which the people in the country have actually donated to that hospital? What is wrong with telling the actual figure of the amount which has been contributed?

Mr. M. Koinange: Frankly, Mr. Speaker, I meant that I gave an answer to a similar question by the hon. Mr. Okuto Bala.

Any self-help scheme, with a committee organizing things in a most sincere way, and if there has never been anything suspicious, then I think they have the right to carry on. May I say that the Gatundu Self-help Hospital takes in not only the patients of that particular constituency but from other parts of the country as well. People should be appreciative of that and continue helping.

Mr. J. K. arap Soi: On a point of order, Mr. Speaker, on the Order Paper it shows that the question is directed to the Ministry of Co-operatives and Social Services. I wonder whether the Minister is now answering a wrong question, and if he is answering the right question, is he perhaps hiding something when he does not answer the question correctly?

The Speaker (Mr. Slade): Sometimes questions are transferred from one Ministry to another. It is entirely at the discretion of Government as to which Ministry answers.

Mr. J. K. arap Soi: I agree with you there, Sir. But we have the Minister here who could tell us that this has been transferred to him?

Mr. M. Koinange: Mr. Speaker, the Ministry of Social Services sent this question to us.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): On a point of order, Mr. Speaker, is it in order for an hon. Member to draw the attention of the Speaker by slapping the Bench?

The Speaker (Mr. Slade): Hon. Members, sometimes rise with such enthusiasm that they shake the furniture. I can think of one hon. Member of heavy weight on this side who does so. It is not out of order.

Mr. Obok: Mr. Speaker, arising from the hon. Minister's reply, that the Gatundu self-help project is a private project, is it not true that this project is no longer private and that it is a State project, because the Government has taken over the running of this project? If that is so, why does it still continue, according to the Minister's statement, to be a private project?

Mr. M. Koinange: Mr. Speaker, it is absolutely true that the day-to-day management of the hospital has been taken over by the Government.

However, the committee wanted the privilege of extending the hospital and carrying out all other desired work. This was the initiative of the people originally. It is because of that extension work that the Government runs the day-to-day work of the hospital but the question of expansion is still the responsibility of the committee.

Question No. 207

EXPENSES OF SCHOOLS' EQUIPMENT

Mr. Thimangu-Kaunyangi asked the Minister for Education if he was aware that the New Primary Approach and the New Mathematics methods in schools required a lot of expensive equipment which many local governments could not afford in primary education, and which in the case of *Harambee* secondary schools and semi-aided secondary schools, the Central Government could not afford.

The Assistant Minister for Education (Mr. Khasakhala): Mr. Speaker, Sir, I beg to reply. I am not aware that the equipment required to teach these new approaches to education is any more expensive than the equipment used in the old methods. Indeed, the new methods have been introduced to make it easier for teachers to improvise and use the local materials which may not require purchasing.

Mr. Thimangu-Kaunyangi: Mr. Speaker, Sir, arising from that reply, would the Assistant Minister agree with me that these methods require a lot of equipment for demonstration, which, although he says local materials can be used, would need money for their preparation and would require workshops such as the one at Entebbe which was used for this method?

Mr. Khasakhala: Mr. Speaker, I do not agree with the hon. Member, because the teachers who are taking the new primary approaches are trained and they make visual aids before they leave their training. They come out of their training prepared to handle these things with the material and equipment required for their teaching.

NOTICE OF MOTION FOR THE ADJOURNMENT

MATTER OF REPLY TO QUESTION NO. 207: EXPENSES OF SCHOOLS' EQUIPMENT

Mr. Thimangu-Kaunyangi: On a point of order, Mr. Speaker, I am not satisfied with that reply. Could I raise it as a Motion on adjournment?

The Speaker (Mr. Slade): Yes.

Question No. 228

LOCAL AUTHORITIES TO BE RESPONSIBLE FOR SCHOOLS' EQUIPMENT

Mr. Godia asked the Minister for Education if he would authorize each local authority to be responsible for the order, purchase and delivery of permanent and consumable equipment needed in its local schools.

The Assistant Minister for Education (Mr. Khasakhala): Mr. Speaker, Sir, I beg to reply. Before 1969, each local authority was responsible for the order, purchase and delivery of books and equipment to schools in its area. However, the Central Government discovered that a lot of irregularity and possible bribery and corruption was taking place in the administration of the tenders involved. It was, therefore, decided that the purchase and distribution of these books and equipment be done centrally, or by the Central Government. This is a Government decision which has to be implemented.

I am aware of the teething problems which have faced the scheme this year, but I am confident of its success next year and in the future. I cannot, therefore, go back to a situation that obtained before the supply of school equipment was centralized.

The Speaker (Mr. Slade): I think this question was, in fact, answered pretty fully in a recent debate on the adjournment, so it should not really be on the Order Paper now, and we will go on to the next question.

Question No. 269

CAR LOANS FOR TEACHERS

Mr. G. G. Kariuki asked the Minister for Education to state what facilities were being given to teachers to enable them to buy cars.

The Assistant Minister for Education (Mr. Khasakhala): Mr. Speaker, Sir, I beg to reply. So far, the Government does not give any facilities to non-civil servants, including teachers, to enable them to buy cars. However, I am pleased to inform the House that the Teachers' Service Commission, as the employer of all teachers, is currently trying to find ways and means of getting car loan facilities extended to teachers.

Mr. G. G. Kariuki: While appreciating the reply by the Assistant Minister, what is Government doing to see that the Teachers' Service Commission expedites this as soon as possible?

Mr. Khasakhala: Mr. Speaker, I have already stated that they are trying to find ways and means of doing so, and they are holding discussions right now. That is what the Government is doing.

Mr. Khaoya: Mr. Speaker, Sr, the Minister said that the teachers were not civil servants, but we have been told more than once here that the teachers fall in the category of civil servants. That is why we debarred them from participating in politics, and therefore, as such, do they not qualify to receive loans, like any other civil servants?

Mr. Khasakhala: Mr. Speaker, Sir, I think there is a confusion here. Civil servants are appointed by the Civil Service Commission; teachers are appointed by the Teachers' Service Commission. These are two different organizations.

An hon. Member: There is confusion.

Mr. Khasakhala: The confusion here is that teachers have one employer, and it is the employer who decided that, as far as this is concerned, teachers should not participate in politics.

Mr. Ngala-Abok: Mr. Speaker, Sir, since this is a very controversial issue, with regard to the Minister for Education's circular letter about ensuring that teachers never attend politics, never talk politics, never become political party members, will the Assistant Minister tell us what the Ministry means by placing all these restrictions on teachers if they are not categorized with civil servants? This is the point.

Mr. Khasakhala: Mr. Speaker, Sir, all these things have been discussed in this House at length.

Hon. Members: No, no.

Mr. Khasakhala: The law under which the Teachers' Service Commission was appointed was approved by this House, and we know very well that the teachers themselves passed for one employer, so that their requirements could be met by one—

The Speaker (Mr. Slade): Order! Order! A little less noise.

Mr. Khasakhala:—person directly responsible for whatever was necessary. It is this one employer who is the Teachers' Service Commission, and they have said that teachers should not participate in politics as well as their not being able to stand for election, they are perfectly entitled to do so.

Mr. Kibuga: Arising from one of the replies, Mr. Speaker, would the Assistant Minister consider making the conditions of teachers uniform with those of the Civil Service, because, so far, now they are not allowed to participate in politics in the same way as civil servants, but when it comes to privileges, they are denied them?

Hon. Members: Answer the question.

The Speaker (Mr. Slade): Order! Order! Hon. Members in that corner are much too noisy.

Mr. Khasakhala: Mr. Speaker, I consider most of these supplementaries arise from a different question; even though I am answering them, I consider they are different questions. The position here is that when you employ someone you are his boss, and the boss should direct him.

Mr. Odero-Sar: Mr. Speaker, on a point of order, I do not know whether the Assistant Minister and other Members are right, because they are saying that teachers are not participating in politics, but I know that teachers are politicians.

The Speaker (Mr. Slade): No point of order.

NOTICE OF MOTION FOR THE ADJOURNMENT

MATTER OF REPLY TO QUESTION NO. 269:
CAR LOANS FOR TEACHERS

Mr. Kamau: On a point of order, Mr. Speaker, in view of the seriousness of this matter concerning the teachers, if the questioner, the hon. G. G. Kariuki, will allow me, I would like to raise this matter on adjournment.

The Speaker (Mr. Slade): What exactly do you want to raise, Mr. Kamau: the fact that an effort is going to be made to provide them with cars, or the allegation that they are not civil servants. I want to know what you are proposing to raise.

Mr. Kamau: Mr. Speaker, Sir, both are the same. The reason why I think they are the same is because now the Assistant Minister is telling this House that teachers do not belong to the Civil Service, but again—

The Speaker (Mr. Slade): We cannot have a discussion now, you know. You can give me notice, if you like to raise a specific matter, but it has to be specific, and it sounds to me as if you are on to two lines at once. We only deal with one at a time. You give me notice of what you want to raise.

Mr. Lubembe: On a point of order, Mr. Speaker, is it in order for the Minister to say that the Teachers' Service Commission is the one which directed that teachers should not participate in politics, when in fact it was the Minister who issued the circular?

The Speaker (Mr. Slade): You can ask him to substantiate on a point of order, but you cannot start on an argument on fact by way of point of order.

An hon. Member: Point of order.

The Speaker (Mr. Slade): We will not have any more on this one.

We will have the Question by Private Notice now.

QUESTION BY PRIVATE NOTICE

POSITION OF MR. RADING OMOLO *vis-à-vis* THE
CIVIL SERVICE

Mr. Munyasia: Mr. Speaker, Sir, I beg to ask the Vice-President and Minister for Home Affairs the following Question by Private Notice:—

(a) In view of the fact that Mr. Rading Omolo was a civil servant when he announced his decision to stand as a candidate for Gem election, did he resign before he went for election.

(b) If he did resign, under which section of law was he allowed to resume his duties.

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

(a) Hon. Rading Omolo tendered a notice of resignation from Government Service before he stood for the Gem election. This notice was accepted and his resignation took effect from the 24th March, 1969.

(b) He has not resumed duties in the Civil Service, although he has applied to come back to the Service again. This will be considered in the normal way, but no decision has so far been made.

Mr. Shikuku: Arising from that encouraging reply, would the Minister for Home Affairs assure this House that any civil servant resigning to go and contest a seat should do six months before, and if he is defeated he should start all over again, not return with the credit of the previous years' service?

Mr. arap Moi: Mr. Speaker, Sir, I cannot give any assurance or guarantee, because there is no law governing this, except the civil servants Code of Regulations.

Mr. Onsando: Mr. Speaker, Sir, arising from the reply that Mr. Omolo has applied to rejoin the Civil Service, would the Vice-President tell the House when this post was advertised?

Mr. arap Moi: I said, Mr. Speaker, that the person in question has applied for the post but no decision has so far been made, and so the hon. Member should not be confused about it.

Mr. Ngala-Abok: Mr. Speaker, Sir, this question is very important. Since the Betting and Control Board is a board under a Ministry, is a person serving on that board as an executive officer a civil servant or not?

An hon. Member: He is not.

Mr. Ngala-Abok: That is the point, because the Teachers' Service Commission is a Government body.

Mr. arap Moi: Mr. Speaker, Sir, if the hon. Member has been conversant as a legislator, he should know that in the working of Government, civil servants are seconded to different statutory boards if it is seen to be fit. Therefore, this was in order.

Mr. Ngala-Abok: Mr. Speaker, Sir, therefore, now, to enlighten the country, the gentleman in question came from detention, and he did not come from the Civil Service to be seconded, and he was employed straight by that particular board. From which branch of the Civil Service was he seconded?

Mr. arap Moi: Mr. Speaker, Sir, the hon. questioner asked whether it was in order for a civil servant to serve on a statutory board, and I answered that it is normal for Government to second any officer to any statutory board. As to the other questions about where he was transferred from, he was in my Ministry, and he was in my Ministry during the time of the Leader of the Opposition and of Mr. Murumbi.

Mr. Omar: Mr. Speaker, Sir, will the Vice-President tell the House whether there have been other applicants apart from this gentleman, and if there have been no others, does it mean that the job is going to be taken by this gentleman?

Mr. arap Moi: Mr. Speaker, Sir, let them wait until the post is seen to be vacant. When the post still exists, they should not speculate over that.

Mr. Munyasia: Mr. Speaker, Sir, as this is a serious question; now is it going to be the policy of the Government to sponsor any candidate even the civil servants or people on any Statutory Board, and if that is going to be so, will this also apply to the Opposition sympathizers?

Mr. arap Moi: Mr. Speaker, Sir, I should like to enlighten the hon. Members. Previously—some of the hon. Members of this hon. House or some people elsewhere—when a civil servant wanted to stand for a seat, he could easily apply for leave, and during that leave, during that action he could stand for that constituency and then come back after his leave. These things have been going on and I would like the hon. Members to study them very well. At the same time, Mr. Speaker, Sir, the

civil servants are like any other human-beings and if they so wish to oppose anyone of us—this is a democratic state—they are free to do so, even in the Civil Service, in private enterprise or elsewhere.

Mr. Bala: Mr. Speaker, Sir, since the gentleman in question—

Mr. Thimangu-Kaunyangi: On a point of order, Mr. Speaker, Sir, would the Vice-President and Minister for Home Affairs tell the House whether he is not misleading the House by telling us that it is not against the Code of Regulations that civil servants should stand before they completely resign from the Civil Service? I can quote the section if he wants.

Mr. arap Moi: —Of course, when they tender their resignation, then they leave the Government, but there is a period through which one can return to the Government, without a break of service.

The Speaker (Mr. Slade): I think I am right in saying that, according to the Constitution of Kenya, a man is not qualified to stand for election to the National Assembly if he is a public servant. I think it is so.

Mr. Okuta Bala you were asking a question.

Mr. Bala: Mr. Speaker, Sir, since the gentleman in question only last week appeared in a Court of Law and gave his evidence with the same title he used to hold as the officer in charge of betting and gambling in Kenya, why did the papers and the Government actually not deny the fact that he was the former officer? Why was he given the same title when he appeared before the court? Does the Minister mean to tell us the truth that this man has not been dismissed and that he is still in the same way, that he is on leave and he has not been dismissed?

Mr. arap Moi: Mr. Speaker, Sir, I answered and said that he tendered his resignation on the 20th March and therefore when he gave evidence on the case in the court, he gave it on the things which happened while he was executive officer of that Statutory Board.

The Speaker (Mr. Slade): Let us go on now.

NOTICES OF MOTIONS FOR THE ADJOURNMENT

MATTER OF REPLY TO QUESTION BY PRIVATE
NOTICE: POSITION OF MR. RADING OMOLO
vis-à-vis IN CIVIL SERVICE

Mr. Mwalwa: On a point of order, Mr. Speaker, Sir, in view of the seriousness and the lack of proper reply given by the Vice-President, I would like to raise this matter on a Motion for the Adjournment.

The Speaker (Mr. Slade): Order! Have you any objection Mr. Munyasia?

Mr. Munyasia: No, Sir.

ILLEGAL COURTS BY SUB-CHIEF IN KITUI

The Speaker (Mr. Slade): Order! I would remind hon. Members that on the Adjournment today, Mr. Munyasia will raise the matter noted on the Order Paper.

POINT OF ORDER

MATTER NOT SUITABLE FOR RAISING UNDER S.O. 20—MOVEMENT OF MAIZE

Mr. Kamau: On a point of order, Mr. Speaker, Sir, under Standing Order 20, I would like to raise a matter of national importance.

It so happened that today, in Kiambu, and perhaps in some other districts, people cannot buy a bag of maize flour from one shop to their respective shops; they are being arrested by the police and asked to produce permits. The conditions started today, Mr. Speaker, Sir. At Ruiru, where I live, I left two vehicles standing near the Police Station; belonging to people who bought maize flour from the agents allowed by the Government to buy maize flour from the Kenya Maize and Produce Board.

Now, Mr. Speaker, Sir, what surprised the people in Kiambu today with traders is—

The Speaker (Mr. Slade): Order! You are seeking to raise a matter and we cannot have a full discussion of it now. You are entitled to describe the problem, but it is better you know, if you want to raise a matter under Standing Order 20, to warn the Speaker, before the House sits and give him the full picture. You can now give us only a bare picture but do not start to discuss what is worrying you so much.

An hon. Member: Point of order, Mr. Speaker, Sir.

The Speaker (Mr. Slade): No, I am still with Mr. Kamau.

The trouble is, you say, Mr. Kamau, that people are being arrested for buying maize flour in one shop?

Mr. Kamau: Mr. Speaker, Sir, if I am allowed by the Chair, I will make it very clear.

I said that today people are not moving maize flour from Ruiru Township, or Kiambu, where there are agents who have been allowed to buy flour from Nairobi and take it to Ruiru, and the traders are supposed to buy maize flour from Ruiru shops. What they are supposed to get there is only cash sales from the *duka wala*, or the shopkeeper, but when they buy this bag of

maize flour, they cannot move it without a particular permit: they are being arrested by the police. I said that this afternoon—this sheet I am holding—I left one of the vehicles standing at the wholesaler's shop with a bag of maize flour and the police constable's number, Mr. Speaker, I am telling the House—

The Speaker (Mr. Slade): Mr. Kamau, I think you have described quite enough of the nature of the case. It may be a definite matter, it may even be an urgent matter for Mr. Kamau and a few other people, but it cannot be of such national importance as to justify this procedure I am afraid.

An hon. Member: Put the question.

The Speaker (Mr. Slade): No. Mr. Kamau, I would suggest that on another occasion, if you want to raise an urgent matter under Standing Order 20, come and warn the Speaker a little about it beforehand, so that he can get the picture quite clear and advise you as to whether or not you are likely to get leave. This is too narrow an issue for this procedure.

LEGISLATION WHICH CONTRAVENES THE CONSTITUTION—NOT PERMITTED

Mr. Munyasia: On a point of order Mr. Speaker, Sir, I am seeking your guidance on this. I read in the newspapers that the Affiliation Act Bill was passed last night through all its stages.

Now, Sir, referring to the Constitution Act 1969, may I draw your attention to Clause No. 70 so that we have your guidance on the protection and fundamental rights of the individual as set out in Clause No. 70 of Act No. 5. Now what will become of those genuine cases according to this clause?

The Speaker (Mr. Slade): Order!

Mr. Munyasia: Mr. Speaker, Sir, according to the Act No. 5 1969, Constitution of Kenya, here—

The Speaker (Mr. Slade): What is its title?

Mr. Munyasia: The Constitutional Amendment, Sir.

Now, Sir, Clause No. 70, Protection and Fundamental Rights and Freedoms of the Individual. Sir, if I quote it says: "Whereas every person in Kenya is entitled to the fundamental rights and freedoms of the individual, that is to say—"

The Speaker (Mr. Slade): Your point of order is that this particular Bill was contrary to the Constitution?

Mr. Munyasia: Yes, Sir

The Speaker (Mr. Slade): No, not in my opinion. If I had thought it was, I would not have allowed it.

BILLS

Second Reading

THE ENGINEERS REGISTRATION BILL

*(Minister for Works on 12th June 1969)**(Resumption of Debate interrupted on 17th June 1969)*

Mr. Godia: Mr. Speaker, Sir, I had advised the Ministers for Works and Education to consider arrangement of secondary education so that some of our students who are not employed may take up engineering. This will produce a number of engineers, in fact very many, that we need.

Mr. Speaker, Sir, I would like to appeal to the Minister to consider this position because there are, in this country, very many youths who are gifted in engineering and we should try to assist them to develop their talents so that they can be of great use to nation building. Youths who are technically good could pass through to the degree work. I would appeal to the Minister to consider this point very seriously.

Mr. Speaker, Sir, the Minister should also tell this House where he places youths who are, at present, in Government technical secondary schools. Many of these youths learn some form of engineering and we want to know what chances they have of going ahead in the engineering profession so that they become registered.

Mr. Speaker, there are, in this country, a number of firms who have employed non-citizen engineers and I think, according to my opinion, a number of non-citizen engineers are doing a very magnificent job. In those cases where Government or private firms need the services of any person who is a non-citizen, they should be given the right to employ him. Such engineers, in those fields, should be protected so that they are not sacked until the country is able to get its own engineers.

Mr. Speaker, Sir, a number of our own people—our own engineers—who, perhaps for lack of experience, cannot do good work, the firms would like to employ those who are not citizens because they can do some better jobs. Therefore, I think that this provision should be made available.

Mr. Speaker, I would like to appeal to the Minister to tell the House what fee is required because it is merely stated, under section 11, that a fee will be prescribed. We would like to know who will prescribe the fee and what will happen in the cases where someone cannot get sufficient money to go ahead. This fee might be too much. We would like to know that.

Sir, I would like to appeal to the Minister to encourage as many private engineers as possible to enrol themselves and, if possible, if the

Minister would like to set up a test that should be done by a person who wants to enrol as an engineer, this should be done so that we know, in every district, the number of engineers we have in this country.

At the same time, Mr. Speaker, Sir, we would like the Minister to look ahead and be able to tell this country what will happen to the many trained engineers; we might train very many of them and yet not give them employment. We must always make sure that there is some form of employment for those engineers who have been trained and registered. It would be a very unfortunate state of affairs if a number of registered engineers could not practise in this country. They may not have the capital and it should be possible for the Minister to find ways and means of getting them actively engaged in work of nation building.

Mr. Speaker, Sir, hoping that the Minister will very seriously consider the points which I have raised, and this Bill being quite straightforward, I think the Minister will consider the matter seriously, and so I beg to support.

Mr. Muliro: Mr. Speaker, Sir, this Bill for the registration of engineers is a very welcome Bill and I want to make a few points on it.

Sir, the Government must make every effort to see that Africans, or Kenya citizens, are interested in the engineering profession. The best way of encouraging them is to create a board, as the Minister has laid down in the Bill, through which the people can be registered. However, Sir, I feel it is only fair and just that a young man who has gone through training—and engineering training, like medicine, is not a short course—should be given a chance. For any one to come out of university as a graduate in engineering will take at least five years. Five years, Mr. Speaker, is not a joke and, therefore, the period for practical training outside, after graduation, should not be too long. The Minister, under clause 11, subsection (b) (ii) says: “a person who—has had not less than three years’ practical experience of such a nature as to satisfy the board as to his competence to practise as a registered engineer”.

Mr. Speaker, if this is to be taken it means that a young graduate, after five or six years of training will have to take another three years of formal apprenticeship before he can be registered to practice on his own. I think this is unfair because it means that if one wants to practice on one’s own one has to work for five or six years, plus three, and then register as an independent practitioner in private practice in the ninth or tenth year. This is not fair. A person only acquires

[Mr. Muliro]

skill and becomes competent when he is given time to practise on his own. If he finds he is making mistakes, he will learn from his errors. If he is not competent he will not get employment from those who might have given him work. Therefore, Sir, I think it is only fair that the period of practical experience, after training, should be only a year and not three years. This is also done in the medical profession for instance, and the medical profession is a much more serious business than engineering. In medicine, if the doctor starts practising too early he might mess up the patient, but here a person might mess up a bit of business and a house might fall down, but nobody will ever re-employ a person who designs a house which falls down. Therefore, I feel it is only fair that the practical experience should be only for one year. I am going to move, in the Committee stage, an amendment to reduce this to one year.

Another point I would like to raise here, Sir, is about discrimination by various professional boards. At times, Sir, we have found young men coming back to this country with degrees from other countries other than from Britain, and these chaps are discriminated against. I feel that an engineering degree is an engineering degree whether one gets it from Moscow, from Britain, from India or from East Africa; it is an engineering degree. The recognized universities in the world maintain international standards and a university of any repute will never pass out a person as a graduate in engineering when he has not fulfilled the international requirements. Therefore, Sir, there should be no discrimination in this profession because a student has gone to Czechoslovakia, to Sweden, or Denmark, as against those who have gone to Great Britain or have been trained locally here. This is an unfair practice. In fact, it would be fair if the Minister, through his board, tabulated a list of universities in various countries so that an engineering degree from any of those universities on the list would be recognized as an engineering degree and it would allow the holder to practise in Kenya. This, Sir, would be only fair and just.

Sir, locally here, if we have to encourage more and more and more of our own local citizens, the facilities at the University College, Nairobi, and Makerere and so on, must be more attractive so that we get more and more of the local people joining this very important profession. This, Sir, I support fully.

The other point, Sir, is on the Schedule and is the way in which the Minister has to appoint members of the board. There will be four members

appointed by the Minister and three persons appointed by the East African Institute of Engineering. I am quite happy about the four by the Minister, but I find that the East African Institute of Engineering is today dominated by non-East Africans. The Minister should make sure that these people do not unnecessarily prevent certain people from being registered who ought to be registered. Therefore, since this body now is predominantly non-citizen, among the four people that the Minister appoints, he should appoint only people who are citizens of this country so that—since there will be four of them and they will be a majority on the board—they will look after the interests of the local citizens.

Another point, Sir, which is of importance, is the continuation of experience. It is good the Minister has made it clear that the rotational retirement of members should cater for the experienced people to continue serving the board. I feel the board can only succeed so long as we have continuity in having experienced people on this board. It is also good that retiring members are eligible for reappointment, and this will enable the organization to run smoothly. We have heard of the county councils at times almost coming to the point of collapse because continuity has not been effective.

Mr. Speaker, Sir, these are the few points I wanted to raise on this Bill, and with these few remarks I welcome the Bill wholeheartedly.

Mr. Wariithi: Mr. Speaker, I would like to stand and support this Bill as I believe it is very important for us to have a system of registering people who study engineering so they can practise and be accepted as engineers.

As the last Member has said, I am a little concerned as to the provisions of section 11. Hon. Muliro is a member of a board, and I am also a member—that is the Central Selection Board where we award scholarships to our students to go overseas and study various subjects. It is our policy on this board to persuade our students to go and study subjects like engineering, or scientific subjects of which there is a great shortage in this country. It is necessary for some of us to be concerned about the period during which these young men, after being overseas for many years, have to stay here when they return before they can be registered.

These scholarships are awarded by various governments outside to the Kenya Government, and our students accept these scholarships and they go to study and when they come back, it is my strong feeling they should not be hampered

[Mr. Wariithi]

in any way, or made to feel they are different from other students who have studied similar subjects.

If you look at clause 11, 1 (a), and I quote—

“(a) a member of an institution of engineers the membership of which is recognized for the time being by the board as furnishing a sufficient guarantee of academic knowledge of and practical experience in engineering;”.

My misgiving here, Mr. Speaker, is that if I ask the Minister to give us a list of institutions of engineers in the world which are recognized by this Government as providing sufficient guarantee of proper training, we will probably find there are very few. Even if they are there, you may find they are primarily in the Western countries. I doubt whether there are any in the Eastern countries or maybe some countries in Europe, or Asia for that matter. I would not say we are unfortunate but because of our historic relationship with Britain and the Western countries, I am almost certain that most of the institutions of engineers which we accept that people registered with them are properly trained will happen to be in the Western countries.

I am not saying that these institutions do not have world fame, and recognition, but I think it is wrong to continue to think that only those who registered with those institutions are properly trained. It is, I think, for the Government and the Minister to consider other institutes of engineers which have proved that members of those institutes are properly trained, and probably even better, than those from some of the Western countries. I know that some of us who were trained in Asia in a different profession, when we came back ten years ago, there was a feeling that perhaps we were not properly trained. We had difficulty in finding employment. Now things have changed and, in fact, some of those countries have proved that people trained in those countries are equal to others—if not better.

Mr. Speaker, I have my misgiving about the practice adopted so far. I have friends of mine who have been in the Eastern countries where they have studied engineering for six or seven years, they come back here and yet they are not recognized. They are asked to produce a certificate. In my cases, the Ministry of Education cannot process those certificates but they have to send them to the embassies of the countries where these people studied. What I am saying is when we encourage our people to go and study in some of these countries, when they come back with the qualifications, we should not make it difficult for

them to be registered. Perhaps what we should do is not to allow them to go to those countries in the first place, particularly on Government scholarships.

Coming to the point raised about the three-year period, I feel this is too long a period. We have other professions, doctors; we have pharmacists, we even have members of the legal profession who do not stay for such a long time. After all, what is required? This person has already been trained as an engineer, and it is for him to familiarize himself with the local requirements which he might not have studied overseas. I do not see the reason why this man should be made to stay longer than other people who have studied in other professions. Medicine has only a 12 months' internship, in fact, there is no examination. Pharmacists also do one year, lawyers do about a year or so. So why should this case be different, Mr. Speaker, from other types of professions? As hon. Muliro said I think we will wait until the Committee Stage, and if there is no amendment proposed by the Minister, then we should amend it to read one year.

Another point, Mr. Speaker, is concerned with clause 13. Clause 13 of the Bill provides power to remove from and to correct the register, and I quote—

“(1) The Board may at any time direct that the name of a person be removed from the register where such person has—

(a) failed within a period of six months from date of an inquiry sent by the Registrar by prepaid registered letter to the address appearing in the register against his name, notify the Registrar of his current address;”

It goes further to provide ways in which a person can be removed from the register. I have no quarrel with the other provisions, (b) and (c), but (a) to my mind appears to be very flimsy. The fact that somebody does not reply to an inquiry within a period of six months, and he has not done anything else against the Act, or the regulations, this sounds a very flimsy reason for him to be removed from the register. In fact, my recommendation would be that all these cases of removing people from the register, be they doctors, engineers, or members of the legal profession or any other registered professions, there should not be such a great difference. This man has not committed any offence, he has not been tried, simply not replying to an inquiry as to his current address, this in my mind, is very flimsy and should not be grounds for his name being removed.

[Mr. Wariithi]

The other grounds are all right. There is an inquiry carried out and if he is guilty under the Act then his name is removed, but not simply because one has failed to answer some inquiries. I am asking the Minister to explain this when he comes to reply. Why it has been found necessary that a man after all those years of training and experience, should be made to lose his registration by merely not replying to an inquiry. The inquiry is simply where this person is staying.

Mr. Speaker, I would like to end by saying there was a lot of talk yesterday about a gentleman at Karatina, in my own district, Mr. Gachamba, who is my friend. He is the engineer who is trying to build *Kenya I*. My observation is that this man is trying his best and he should be assisted, but I do not consider it necessary for the Minister or his Assistant, to go to Karatina. What he should do is to provide technical know-how for this person. There was a request yesterday that the Minister should go himself and see what this man is doing and perhaps help him. What I think is important, is he has shown some originality and made great effort; I have seen this object which looks like an aeroplane, and I would tell the Minister that it is not necessary for him to go there but he should send his experts, people with knowledge of the building of aeroplanes, knowledge of whether it will ever fly, knowledge of what is required and advise this person. It is no use for the Minister to go as he is probably a layman as I am, in aeroplane building, but what I am appealing to the Minister is that this should be encouraged and he should provide the technical assistance which this man may require. If it is found necessary and he is making some progress, then material assistance should be given.

With this, Mr. Speaker, I beg to support.

Mr. Mbogoh: On a point of order, Mr. Speaker, may I move that the Mover be called upon to reply?

The Speaker (Mr. Slade): There is no one wishing to speak so I will call on the Mover to reply.

The Minister for Works (Mr. Mwanyumba): Mr. Speaker, I am glad to see the Bill has received the support of this House in general, as I thought it would. It is a straightforward Bill, Mr. Speaker.

A number of the Members who have spoken have touched on a number of various points which I would like to reply to in general.

First of all I would like to assure the House that the Board which has to be formed, will be formed of competent professional men. This Board has to consist of professional men of the

highest calibre, in order, Mr. Speaker, to maintain the high standard in engineering which we have in this country, and even to improve on such standards. Mr. Speaker, it is very important that the Board should consist of professional engineers, men who have had a good standing in their profession and who are respected in the country. Men who understand the needs of this country.

Mr. Speaker, those who qualify for membership of the Board are the ones who are eligible for registration. Page 52, Mr. Speaker, says "The Board shall consist of seven members who shall be persons eligible for registration . . ." I have heard a number of Members here express some fears that perhaps the people who will be on the Board may be people who may not understand the engineering profession. Some suggestions have come from the Chief Whip that some politicians should be elected as members of the Board. It is not possible, under this clause, Mr. Speaker, to have politicians on the Board, and it would be very difficult, Mr. Speaker, to have a politician assessing the qualifications of an engineer. It is an engineer who will know what his fellow engineer is like, and this is the person who is recommended to be appointed to the Board.

The hon. Member, Mr. Mark Mwithaga expressed his desire that a politician should be chairman of the Board. It is as I say, not possible to have people who do not understand this profession.

Mr. Mwithaga: On a point of order, Mr. Speaker, is the Minister not trying to mislead the House when he refers to politicians? If a politician were an engineer would he not be eligible to sit on the Board by virtue of his profession as an engineer?

The Speaker (Mr. Slade): I do not see it as a point of order.

The Minister for Works (Mr. Mwanyumba): Thank you, Mr. Speaker.

The policy side of the matter, Mr. Speaker, will always be decided by the Minister who will be in charge of Works. The Board has to be technical and has powers to carry out its decisions and so on, but, normally, the Ministry of Works will carry out the policy side of the matter.

Mr. Speaker, a number of Members have expressed the fear that perhaps the Board will discriminate against people. The very purpose of forming this Board, Mr. Speaker, is to try and do away with a practice which has existed in this country in the past, where engineers, or professional men who were mostly from Britain were considered to be the only suitable people in this country. This is precisely why I have initiated

[The Minister for Works]

the formation of this legislation in order to do away with any traces of discrimination which might exist. Therefore, when this Bill becomes an Act, Mr. Speaker, the name of a country in which an engineer was trained is immaterial. The only thing which will matter will be his qualifications. Without, Mr. Speaker, trying to find out where a person was trained as more hon. Members have been suggesting that perhaps somebody was trained in Sigalagala may not be registered here as an engineer. Provided, Mr. Speaker, he has the qualifications outlined in clause 11, page 46, if any person no matter where he was trained, has these qualifications, Mr. Speaker, then he will qualify as a registered engineer. It does not matter if it is my friend, Mr. Gachamba, who many people have spoken about in this debate, if he can satisfy the Board he has these qualifications, Mr. Speaker, there is nothing to stop him from being registered as an engineer. Therefore, those who have spoken very strongly about Mr. Gachamba, can advise him there is a Bill now, which is soon to become an Act, and if he wishes he can apply in the normal way as any other person, for registration.

Again, Mr. Speaker, a number of Members like hon. Mr. Shikuku, and the hon. Mr. Kago, said the board would consist of British engineers, or for that matter, only of people who had been trained in the United Kingdom. This is not so, Mr. Speaker, because we already have very, very competent local engineers in the country who are doing extremely good work; there are a number in the Government; and we also have a number in the private sector, and there is no need for anyone to fear that perhaps the appointment of the members of the board will consist of non-citizens. I can assure the hon. Members everything will be done to see local engineers are appointed to the board. Mr. Speaker, Sir, the hon. Mr. Kago has told the House that there are a number of engineers in the country and in fact he said that there are nuclear physicists in the country who are roaming about in Nairobi without any employment. This is certainly not true Mr. Speaker, because I can assure this House that engineers are very rare people to find and subsequently we in this country are short of engineers. I am, in my Ministry doing everything to try and recruit engineers because there are vacancies, but it is not true to say that many engineers have come from overseas who have been training say in Eastern countries, and have been discriminated against by the Government. This, Mr. Speaker, Sir, is not true at all. We have, even in the Government, in the Ministry of Works, employed many engineers—who are doing

very well—from Eastern countries. In fact one of them is holding a very senior position in the Ministry of Works. It is true that a number of engineers have tended to drift away from Government employment because they are attracted, I think, by the higher salaries in the private sector and in the City Council. However, we are in the Ministry short of engineers and everything will be done Mr. Speaker, to recruit anybody who comes from overseas as an engineer. In fact, Mr. Speaker, many times, almost every year, we send circulars to our embassies overseas—

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

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

to try and advise students who have finished their engineering degrees to come back home and work for the country. We are glad some of these students who have finished have come back, but there is a problem that many of them still like to stay overseas and this is a weakness.

Mr. Deputy Speaker—

An hon. Member: Go on.

The Minister for Works (Mr. Mwanyumba): I am going on. Mr. Deputy Speaker, efforts have been made by my Ministry to encourage our young men to train as engineers as much as possible. Every year we send out circulars to schools advising students to take up engineering as a profession as we think that it is a noble profession.

Mr. Deputy Speaker, to answer a few questions which have been put forward by those who have spoken, I would like to tell the hon. Mr. Muliro that the time which is taken to be very important in the engineering profession is the period of practical work. This is the most important part of the whole profession, Mr. Deputy Speaker, because somebody must prove himself capable of using his academic knowledge in the field and a period of two years is not really too long. It is considered by the engineers themselves as the right period to qualify as a consultant engineer and have his name registered.

An hon. Member: What is your opinion?

The Minister for Works (Mr. Mwanyumba): My opinion is as in the Bill Mr. Deputy Speaker. I had given ample time for the hon. Member when he was speaking and I did not interrupt him.

Mr. Deputy Speaker, Sir, the hon. Mr. Mwithaga has complained that even in the University College Nairobi, syllabuses are borrowed from overseas. This is not true Mr. Deputy Speaker, for we have a competent staff

[The Minister for Works]

in the college who are training very competent and able engineers at the moment. Mr. Deputy Speaker, there have been allegations by the same Member that those who are training our students in the university are perhaps using outside influences on our students. This is again not true, Mr. Deputy Speaker. In fact, we are very proud of our University College because it has laid down an extremely high standard for our engineers.

Mr. Deputy Speaker, the hon. Mr. Matano, who has supported the Bill, expressed some fears that perhaps there may be a lowering of standards in the profession. This, I have assured the House will not happen and everything will be done to see that the standard will not be lowered, but will be, in fact, improved and I can assure the hon. Members, as I have said, that the members of the board will be competent professional men able to understand what they are doing.

Mr. Deputy Speaker, the hon. Mr. Shikuku had taken a lot of time talking about a lot of things, most of which were repetition and, therefore, I do not have to labour on the points he raised. I was glad that the hon. Member for Aldai, Mr. Cheruiyot, who is incidentally the only engineer we have in this House, supported the Bill and he knows much better what engineers should be. Here a point was raised as to why the hon. Member was not a member of the East African Institute of Engineers. Mr. Deputy Speaker, Sir, this institution is a voluntary organization of engineers and anybody who is an engineer is acceptable as a member of that institution. Incidentally, the hon. Mr. Cheruiyot has not applied to be a member. We have this East African Institute of Engineers, which is East-Africa based, but we also have separate Institutes for Kenya, Tanzania and Uganda. We also have an Act for the separate registration of engineers based in every country.

Mr. Deputy Speaker, speaker after speaker talked of Mr. Gachamba, that the Government should do something to assist him. I think, if I remember rightly, that my hon. colleague, the Minister for Power and Communications had offered to assist Mr. Gachamba so that he could be recruited into the East African Airways Corporation to serve in the mechanical workshops. If Mr. Gachamba could take that advice, I am sure he will be able to advance his knowledge of plane-making or something like that.

Mr. Deputy Speaker, if I can do anything to assist in this respect, I shall only be too glad to assist Mr. Gachamba but he has to accept to work in the Ministry. We shall not be emotional

and say that because Mr. Gachamba has been publicized in the newspapers as somebody who can build an aeroplane, that he should automatically be a registered engineer. This is not so, Mr. Deputy Speaker. I feel he has to apply and he has to have qualifications like any other engineer in the country.

Mr. Deputy Speaker, the hon. Mr. Godia had asked the Minister for Education to encourage students to take up engineering as a profession. This is true. The Ministry of Education is doing everything it can to absorb some of these Form IV and Form VI leavers to join engineering. In fact, already, I am told that a number of institutions like the Railways are taking quite a number of young men to be trained as engineers and a number have already been absorbed by the East African Community.

Mr. Deputy Speaker, I think a lot of other information will be given when the Bill goes to the Committee Stage as it is difficult, at the moment, to remember all the points raised by my hon. friends.

I would like to say before I conclude my remarks, that it is important that we have this Act because engineers themselves feel that it has taken a long time for this to be enacted, and I am glad that it has received the support required in this House, Mr. Deputy Speaker.

With these few words, Mr. Deputy 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)

CHANGE IN THE ORDER OF BUSINESS**CHANGING ORDER OF BILLS FOR SECOND READING**

The Deputy Speaker (Dr. De Souza): I have to inform hon. Members that we have been advised that the Ministry of Agriculture is not prepared to go on with Fencing Bill just now. We are moving to the next Order on the Order Paper, that is the Traffic (Amendment of Laws) Bill.

Mr. Karungaru On a point of order, Mr. Deputy Speaker, Sir, supposing now we decide to kil this Bill and say that instead of it coming tomorrow, we do away with it for a period of not less than six months because it is useless since the Minister has not seen sense to move it—

The Deputy Speaker (Dr. De Souza): Order! Order! I think you can do that at the right time, Mr. Karungaru, when it does come for debate, you can move an amendment to that effect if you wish to do so.

Mr. arap Biy: On a point of order, Mr. Deputy Speaker, Sir, I am seeking your guidance as to whether we, as hon. Members, are covered anywhere in the Standing Orders where we can register our protest on this alteration, because we have not been given any notice of the change of the Orders of the day. Usually, once we get the Orders of the Day, we study the Bills as they come one after the other. I think we should register our strong protest on this.

The Deputy Speaker (Dr. De Souza): I can assure you Mr. Biy, that Mr. Speaker and I are both very sympathetic to what you say. In fact, I was informed that when Mr. Murgor did come and tell Mr. Speaker that he was not prepared to go ahead with the Bill just now, he was advised that this was not a very satisfactory situation, that hon. Members come prepared for the next Bill and if that is going to be postponed, longer notice should be given rather than coming at the last moment. I think the Government will be aware of this. It is a bit unfair to the hon. Members who have perhaps come here prepared for this particular debate and find that they have a debate on something on which they were not fully prepared at this stage. I am sure the Government will take notice of this.

Mr. Khaoya: On a point of order, Mr. Deputy Speaker, is it possible that you will help and move down the scale, say, to Motions instead of this Traffic (Amendment Laws) Bill, since Mr. Deputy Speaker, you know the way we study is to concentrate on one Bill and now we find that we are not going to deal with it? So, with your discretion, I ask whether we could move to a more general sort of business like the Motion which we have under Order 8?

The Deputy Speaker (Dr. De Souza): I think, in fact, we have little alternative but to do that because I notice the Attorney-General is not in the Chamber either. I think perhaps we shall move to the Motion, Order No. 8, because I see the Attorney-General is not here. I do not think we can really move—

Hon. Members: Hear! Hear!

The Minister for Power and Communications (Mr. Nyamweya): On a point of order, Mr. Deputy Speaker, Sir, in fact, there is an error in Order No. 7, the Traffic (Amendment of Laws) Bill is supposed to be moved by the Minister for Power and Communications.

The Deputy Speaker (Dr. De Souza): I see. Then, I apologize in that case. We shall, therefore, go on with Order No. 7. If there is an error in the Order Paper and the Minister is here, well we shall go on with this Bill.

Mr. Lubembe: On a point of order, Mr. Deputy Speaker, I thought there was a section in the Standing Orders which empowers you to give direction to what type of Order that can be tabled here for discussion. But now since the Bill we were to discuss is not coming today, is it not in your discretion to allow us to go to Order No. 8 instead of Order No. 7 because we have not really prepared ourselves for that Order, although I know we shall do so later? I am sure the Minister does not want unfair criticism, because we shall come out with criticism, but we want fair criticism.

The Deputy Speaker (Dr. De Souza): Mr. Lubembe, even if I have the authority, which I am sure I do, if we are not prepared for Order No. 7, I do not see how we can be prepared for Order No. 8. In fact, we should be less prepared for Order No. 8 than No. 7. In any case, the Minister is present here and I think it is only fair to give him a chance to introduce this Bill.

BILL

Second Reading

THE TRAFFIC (AMENDMENT OF LAWS) BILL

The Minister for Power and Communications (Mr. Nyamweya): Mr. Deputy Speaker, Sir, I beg to move that the Traffic (Amendment of Laws) Bill, 1969 be now read a Second Time.

I shall assure the hon. Members that I am going to be concise and to the point.

As hon. Members will observe in the Memorandum of Objects and Reasons, road accidents in Kenya have been increasing steadily over the past years and, unless comprehensive safety measures are taken without delay, accidents can be expected to continue increasing. Road accidents, Sir, result in the wastage of national resources and although the ultimate responsibility for better driving and proper road use rests with the individual, the Government has to take every possible means of reducing them. The Government has a general and overall responsibility of providing conditions for safe and orderly road use. It is in this spirit, Sir, that all aspects of road safety have been considered and this Bill prepared.

Basically, Sir, the amendments contained in this Bill can be divided into three broad sections. First of all we have clauses 2, 3, 4 and 11. Firstly, in these clauses the Registrar of Motor Vehicles is enabled to revoke driving licences of persons who may become unsuitable drivers due to illness and order a fresh driving test when driving ability of a person is clearly doubtful. It also becomes possible for a person to be convicted on offences relating to speed, reckless, dangerous or careless

[The Minister for Power and Communications] driving although the nature of the alleged offence may not be specified within fourteen days of its commission which has been a requirement hitherto. Those who know the provisions of this particular law will realize that when a police officer fines a driver whom he believes needs to be prosecuted some time in the future, he has to serve him with a notice of prosecution. Now, Sir, in some of these cases, careless or reckless drivers have been able to escape penalties because of this technicality. This amendment, therefore, is intended to remove this technicality so that it will be possible to procure a conviction despite the fact that notice of intended prosecution has not been served on the accused.

Secondly, the powers of the Minister administering the Traffic Act have been expanded so as to enable him to make rules relating to professional driving schools and instructors, safety helmets for persons on motorcycles, pedestrian crossings and compulsory display on motor vehicles of current certificates of insurance. As hon. Members know, most of the accidents which are caused on our roads are caused by vehicles which are not road-worthy and most of them are not insured. To be able to maintain a high standard of road safety, it will now be necessary for every motor vehicle to carry and display a current, valid certificate of insurance. These additional powers will, for instance, enable the Minister to make it compulsory for all driving schools to be registered on payment of a fee and conditions such as that the establishment has adequate facilities for driving instructions, that the vehicles used in giving these instructions are mechanically sound and that all driving instructors obtain and hold valid driving instructor's licences. At the moment, Sir, it is difficult to ascertain that all the driving schools in the country and all the driving instructors are of a standard which should be permitted to embark on such a very important work of training people who are to be drivers on our roads.

It will also become possible to standardize all pedestrian crossings fixing a minimum width and defining the pedestrians' rights and/or priorities over the crossings.

The third category of the amendment, Sir, which is proposed in this Bill is the general increase of penalties for traffic offences in order to provide a deterrent to traffic offences. For instance, hon. Members will note that the maximum fine for conducting animals on a road in a dangerous manner is raised from Sh. 200 to Sh. 500 because it is considered that the roads are for the use of motor vehicles and if animals

are to use the roads, naturally, the risk of accidents is increased; and in order to make the people who are keeping their animals near the roads to take greater care the penalty has been increased from Sh. 200 to Sh. 500.

For owning or driving a public service vehicle, which is not licensed on a road, the maximum penalty is raised from Sh. 2,000 to Sh. 10,000, and a possible imprisonment period of up to a year has been introduced. Hon. Members will agree with me that a lot of vehicles which, as I have said earlier, are not road-worthy are put on the road, they are not licensed because if the owner had applied for a licence he would not get it for the simple reason that the police would not have permitted a vehicle which is in such a dilapidated condition to be on the road. In that case, Sir, the Government cannot close its eyes and allow such poor vehicles to remain on the roads, becoming an increasing hazard and risk to other road users.

It should also be noted in clause 6 that provision for the forfeiture of vehicles is now made for a second or subsequent offence by the same person, whether the vehicle involved is the same or not. This is intended to make the owners of vehicles and drivers to be more careful and comply with all the provisions of the Traffic Act. For the breach of traffic rules which are made under the Traffic Act by the Minister, in the case of the first offence the maximum fine is to be raised from Sh. 600 to Sh. 5,000, and the permissible term of imprisonment from two months to six months. For second and subsequent convictions, the maximum fine is raised from Sh. 1,000 to Sh. 10,000 and the permissible term of imprisonment from three months to one year.

The hon. Member for Embakasi, Mr. Deputy Speaker, says that the motive of this Bill is money. The Government says that the purpose of this Bill is to save lives on Kenya roads, and the measures which the Government intends to legislate are intended to make the drivers, including we, hon. Members as drivers, to be more careful and cautious when we are on the roads. I am talking of myself as a driver. There is no vicarious liability in this case.

Sir, for carrying goods other than those allowed under the terms of the licence, a person becomes liable to a fine of up to Sh. 10,000 and/or imprisonment for a year.

Mr. Lubembe: Is that saving life?

The Minister for Power and Communications (Mr. Nyamweya): Yes, it does in a way because some of these vehicles which do convey unauthorized traffic do contribute, to a certain extent, to a number of accidents on the roads.

[The Minister for Power and Communications]

For operating unroadworthy vehicles, over-speeding, over-loading, operating in unauthorized areas or zones, or routes, over-charging—when the hon. Member is charged Sh. 2 instead of Sh. 1—picking or dropping passengers at unauthorized points, in the cases of public service vehicles and not displaying timetables and faretables where applicable, a person becomes liable to a fine of up to Sh. 10,000 and/or imprisonment for a year.

Sir, I agree entirely with the hon. Member for Nakuru that I should ignore all the noises from behind me and I am effectively doing that.

For making false statements when applying for a licence, the penalty is increased from Sh. 1,000 to Sh. 10,000 and also there is permission for imprisonment which is to be raised from six months to 12 months. Sir, we did not fight for *Uhuru* so that our people should be slaughtered on the roads.

For driving or using a goods vehicle in contravention of any of the provisions of the Transport Licensing Act, one becomes liable to a fine of Sh. 5,000 or imprisonment of up to a year. What perhaps the hon. Member for Starehe and, to a certain extent, the hon. Member for Embakasi do not appreciate here is that the fine or the term of imprisonment specified in the Bill are, as usual, the maximum. There is always the discretion of the magistrate or the convicting court to look into the seriousness of the offence.

For transferring a licensed vehicle to another person by way of security for any purpose, without the consent of the licensing authority, one becomes liable to a fine of up to Sh. 1,000. In the second or subsequent offences to a fine of up to Sh. 2,000. This offence is quite prevalent where a licensee of a vehicle does transfer his rights on that vehicle without notifying the licensing authority or without obtaining the Transport Licensing Board's prior consent. This is intended to meet such a situation.

Mr. Deputy Speaker, some few weeks ago, I think it was you, Sir, who asked the question as to what was being done in installing governors and other instruments which may help in controlling speed of the vehicles. I hope, Sir, you raised this question because you were motivated by the rate of fatal accidents which are taking place on the Kenya roads. I did, at that time, promise to the House that we intended to introduce stronger measures for controlling speed, and over-speeding by various vehicles.

For disobeying any police officer in uniform, when he is carrying out his duties under the Transport Licensing Act, and for not keeping

records as to the hours of work, journeys, loads for six months from the date the record is made, a person becomes liable to a fine of up to Sh. 2,000 and for second and subsequent offences the fine is up to Sh. 10,000 and also there is a term of imprisonment, of up to a period of one year, which is permitted under this section.

Mr. Deputy Speaker, Sir, Ministers, when they are driving—or anybody for that matter—are subject to this law since nobody has any immunity. If a Minister is found over-speeding, naturally, he will be brought to task. If there has been no Minister prosecuted for over-speeding, it is credit to them that they have not been—

Hon. Members: Question.

The Minister for Power and Communications (Mr. Nyamweya): Mr. Deputy Speaker, Sir, clause number 10 provides for using a vehicle on a public highway without a valid third-party insurance cover. It is proposed to increase the possible maximum fine from Sh. 2,000 and/or imprisonment for a maximum term of six months, to Sh. 20,000.

An hon. Member: Sh. 20,000?

The Minister for Power and Communications (Mr. Nyamweya): Yes, and imprisonment of up to two years. The driver may also be disqualified from holding or obtaining a driving or provisional driving licence for a year or longer. The hon. Members may ask why the penalty in this case is so high, up to Sh. 20,000. It should be appreciated, Sir, that putting a vehicle on the road without an insurance is like putting a wild animal, a vicious animal, among children, and if it causes any damage, there is no remedy for those to whom the damage has been done. In order to ensure that owners of vehicles do meet their obligations in the event of vehicles being involved in accidents, it is being made imperative here that all motor vehicles should have insurance whenever it is necessary.

Clause number 12 concerns giving false information in order to obtain an insurance cover. Clause number 12, as the hon. Members will see, is prescribing what the penalty is for giving false information when applying for an insurance cover. It is vital that the record of the driver and the owner be properly known and disclosed to the insurance company so that they will be in a position to say whether the person they are insuring is a good risk or a poor risk, and whether they will be in a position, looking into the background or the record of the owner or the driver, to insure that person.

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

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

An hon. Member: It is enough.

The Minister for Power and Communications (Mr. Nyamweya): It is not enough yet because in this case, when false information is given, the person giving the false information will be fined up to Sh. 10,000.

Clause No. 13, Sir, is for any offence under the Insurance (Motor Vehicles) (Third Party Risk) Act, or any rules made thereunder, the penalty is increased generally from Sh. 1,000 to Sh. 5,000, and/or permissible imprisonment term from three to six months.

Many of the common traffic and transport licensing offences have markedly increased in recent years. One main reason for this is considered to be the inadequacy of the present penalties and deterrents. This is why increases in penalties are generally being envisaged in the present Bill. Despite the year-to-year fluctuation, it is also evident that accident injuries have increased with the growth of vehicles. Given the continued economic development of Kenya and the growth of traffic, it is inevitable that the number of accidents will continue to increase if left unchecked. Analysis of the death and accident injuries between 1949 and 1966 show that such injuries are doubling in number every seven years. Over the same period, the number of road vehicles has increased by approximately 8 per cent per year. It is estimated that in the next 20 years, the total loss to Kenya through road accidents could be of the order of £150 million. This is a large sum of money to lose over a period of 20 years, and particularly considering the fact that almost the entire vehicle population is imported, thus causing a loss of foreign exchange. The estimated loss is based on the cost of damage to property, medical expenses for injuries, loss of output due to fatal injuries, and administrative expenses of insurance companies. It does not include any allowance for the human misery and suffering involved, or accurately account for the fact that the people killed in motor vehicles are frequently drawn from the administrative and executive classes that a country can least afford to lose.

Mr. Speaker, Sir, the enormity of the wastage of national resources in road accidents provides the most compelling single reason for seeking every possible means of reducing them. It is also the main justification for proposing to increase penalties for traffic offences. No additional expenditure of public funds will be incurred by reason of the enactment of this Bill.

Mr. Speaker, Sir, I would like to inform the hon. Members that these measures have been taken after very careful study of the report on

road safety which the Government commissioned several years back under the chairmanship of no lesser a personality than that of the Chief Justice of Kenya.

Now, Sir, with these words—I know the hon. Members who are as anxious as the Government, and myself, to see the stronger measures, in order to protect lives and property on Kenya roads, are taken—I commend this Bill to the hands of the hon. Members.

Mr. Speaker, Sir, I beg to move.

POINT OF ORDER

MEMBERS TO BE PREPARED TO DISCUSS ANY ITEM ON ORDER PAPER

Mr. Ngala-Abok: On a point of order, Mr. Speaker, since you can see the importance of this Bill, and since Members were prepared to listen to and debate the Fencing Bill, which has now been withdrawn until tomorrow, and as Order No. 8 is straightforward and does not need much study by the Members, may I move that the debate on this one be adjourned for Members to study carefully what the Minister has said, and then we debate it tomorrow.

The Speaker (Mr. Slade): It is premature to move that, because the question has not been proposed yet and we have not reached the debate; but I will just say now to hon. Members what I was going to say in a circular—and I think I will put it in a circular, too—that Members must be prepared to discuss anything which appears on the Order Paper for the day. The only reason for it appearing on the Order Paper is that we may reach it, and we do very often reach things unexpectedly through the absence of a Mover, or the collapse of a debate, or through the adjournment of a debate, or some other reasons. Hon. Members cannot assume that a particular item on the Order Paper is going to take a particular time. Really, this applies to Movers as well as those who want to join in the debate. You must be prepared for anything on the Order Paper of the day in which you wish to take part.

Does anybody second this?

(Resumption of Discussion on Bill)

The Minister for Information and Broadcasting (Mr. Osogo) seconded.

(Question proposed)

The Speaker (Mr. Slade): It looks as though some hon. Members are ready to commence the debate, anyhow.

Mr. Mwithaga: Mr. Speaker, Sir, I am pleased you have given us good information on how to study Bills. In fact, these Bills were circulated to Members during the recess, by post even, and

[Mr. Mwithaga]

therefore no excuse can be advanced here that Members do not know what the contents are. I excuse my hon. friend there, because he was very busy during the week-end at home.

Now, Mr. Speaker, the country knows very well that this Bill was coming because it was given publicity some time back. In fact, the people have been trying to contact their Members regarding the contents of this Bill to try to air their feelings, either for or against the contents. I know that a law like this one is very sensitive. One reason for that sensitivity is because it is not fully understood by the people in the countryside. On the other hand, it is because it is going to affect those people who own vehicles, some of whom are traders.

Sir, I can remember at one time when I was in England, and a law such as this was going to be enacted, whereby the speed was going to be limited. The Minister, Mrs. Barbara Castle, was in trouble with the whole country, because of trying to limit the speed to 70 miles per hour. People who owned Jaguars and other big cars were complaining because their speedometers went up to 120 miles per hour or 140, and they wanted to know what was the use of buying such vehicles if the Minister thought it fit to limit the speed to 70 miles per hour. Of course, they have the advantage of motorways.

Mr. Speaker, Sir, this Bill, however sensitive it is, has some clauses which are very necessary if we are going to legislate at all for the good, the welfare and the lives of our people. Opposing a Bill like this out of hand is trying to oppose an issue or which an individual in this House would find it difficult to provide an alternative. We must be able to legislate, and do so with some courage and be daring enough to tell our people why we need such legislation. There is no point in being cowardly legislators.

Mr. Speaker, turning to the Bill, I know one disadvantage we have is our road system. In fact, we have roads which are very narrow, and they have seen one of the main causes of these accidents. The other mistake is that of the manufacturers. The vehicles they are manufacturing today seem to be getting bigger and bigger as each year. Perhaps the market for large vehicles is on the increase, and therefore we have been unable to build roads which can march with the manufacturers. These two issues are already in conflict: the manufacturing of vehicles and the rate of development and maintenance and building of our roads. We have roads which were built by the prisoners of war in the 1940's. In those years, nobody in this country anticipated

the increased use of motor vehicles. Indeed, the Colonial Government never anticipated the time when the Africans would have the thousands of cars they have today. Therefore the road system of the day, was in keeping with the European and Asian population that was able to buy vehicles in those days. Mr. Speaker, Sir, years have passed and the roads we have now, ought to be roads capable of catering to the situation as it is at the moment. So, Mr. Speaker, Sir, even if we have to blame the drivers, blame everybody else who is on those roads, we have to consider the making-up of the road system and that a manufacturing those vehicles. Mr. Speaker, Sir, if the Minister can have his own intelligence report, which he should be collecting, and contacting manufacturers in Tokyo, in Paris, in London in New York and other places and telling them exactly what kind of vehicles should be used on our roads for at least the next ten years, then they can give us the vehicles to suit these roads. If we cannot do that, Mr. Speaker, Sir, this legislation of today will not be enough and we will have to come here with another alternative legislation. Therefore, let us not throw the whole blame on our people and punish them unjustly.

Mr. Speaker, Sir, I am very much concerned with this Bill, with the fines being imposed on our people. Mr. Speaker, Sir, if a fine has been imposed, let us say, Sh. 10,000 because a person has not been able to display a licence or a timetable on his bus, then he goes in for ten years, or one year, something like that— They say a fine of Sh. 10,000 or such a fine and imprisonment of one year, or vice versa.

An hon. Member: Or both.

Mr. Mwithaga: Mr. Speaker, Sir, I cannot understand, how the Minister calculates Sh. 10,000 and, then compares a Sh. 10,000 fine with an imprisonment of one year. If it is a question of income, Mr. Speaker, Sir—I think such bus owners cannot make a net profit of Sh. 10,000 in a year from one bus. Therefore, this fine is terribly exorbitant and unnecessary. Mr. Speaker, Sir, the Minister should have seen fit to compare the income of those people and the amount they are actually capable of paying, instead of having a clause here which we know is going to be unworkable. Mr. Speaker, Sir, most of the bus owners will have to go to jail for one year, because they cannot afford those fines.

I have said in this House before, Mr. Speaker, Sir, that it is no use us legislating here a law that cannot be employed, a law that cannot be enforced. It is of no use, I know that the Minister, when he was moving the Bill, said that the Magistrates have discretionary powers, but I am

[Mr. Mwithaga]

not a lawyer, Mr. Speaker. You are, Mr. Speaker, and the hon. Mover is also a lawyer, and another one is sitting over there, very busy with housing problems. Mr. Speaker, Sir, what does the word "shall" imply in law? What does that imply? I think we will need a lecture from the Minister one of these days.

An hon. Member: He is not qualified to lecture.

Mr. Mwithaga: In my view, Mr. Speaker, Sir, it is not actually discretionary as the Minister puts it. If the word "use" were there, then we would say that the Magistrates have discretionary powers, they can either use the fine, use imprisonment for a year, or both from discretionary conclusions. However, Mr. Speaker, Sir, nearly all the punishments entrenched in this Bill carry the word "shall", which means that the whole thing is a forgone conclusion, and there is no way out.

Mr. Speaker, Sir, if—

The Speaker (Mr. Slade): I am entitled to correct a misunderstanding of the effect of the law as it stands, or of this Bill. All these punishments, I think, without exception, are a certain figure of money not exceeding that figure or imprisonment not exceeding a certain period. So there is a very wide discretion there.

Mr. Mwithaga: Mr. Speaker, Sir, I quite agree with you the discretion only comes after Sh. 10,000 because if it is a question of "not exceeding", then the Magistrate has the power to go to that maximum. He can go to that maximum and the defendant cannot actually question the power given to the Magistrate. He cannot question it. This is why I am arguing, Mr. Speaker.

The Speaker (Mr. Slade): I do not want you to imagine or make the House believe that the Magistrate has no discretion.

Mr. Mwithaga: Mr. Speaker, Sir, he has a discretion, which I would call a latitude. Now, Mr. Speaker, that is not understood by the common man in the street. Mr. Speaker, Sir, therefore, on this question of fines, the Minister should amend this Bill if he wants to have the support of this House, and the support of the country. People owning vehicles are not prepared to meet with reckless drivers on the roads. If he would want to woo the people to support him in this Bill, in this legislation, let him come with an amendment to reduce the maximum fines. We should have a ceiling which a person can actually afford. If he cannot afford this, then the court cannot order for his imprisonment because he has deliberately refused to pay that fine which he is capable of raising. Therefore, Mr. Speaker, Sir, we must always legislate in the full understanding and awareness that our people will be

able to meet the requirements or the laws that we make.

Now, Mr. Speaker, the question of first conviction and second conviction, for using unlicensed vehicles, Mr. Speaker, Sir, the Bill here says that such a second conviction, for using an unlicensed vehicle would entitle the court or the Registrar to order for the forfeiture of that vehicle. Now, Mr. Speaker, the human cry in the countryside is on this particular point and the fine. All the others are not of any material interest to the people. The two important issues are the fine and the forfeiture of vehicles. If the Minister instituted a referendum, in order to find out whether the people are very much concerned with those two points, I can assure him that he would find that the Bill would be rejected totally.

Now, Mr. Speaker, Sir, it is true that using an unlicensed vehicle is a very serious offence because such a vehicle could be a stolen vehicle, could be a black market vehicle. It could be a vehicle intended for criminal purposes. That could be, Mr. Speaker, but how would the Minister compare the inability to pay a licence of Sh. 200 with the cost of the vehicle of £19,000? It is terrible, Mr. Speaker. I do not know who taught this Minister mathematics. Mr. Speaker, Sir, it has something to do with mathematics, Mr. Speaker, Sir, because if failing to raise Sh. 200 would cost a person £19,000, then, Mr. Speaker, Sir, I still question the teacher who taught the Minister mathematics.

Mr. Speaker, Sir, the Minister has in mind the *matatus*, the ordinary transport or the carriage car. If he has this in mind, then he should tell this House, with absolute honesty, that he is legislating against the use of the *matatus*. However, by generalizing here, even an owner of a bus who might have fallen sick and gone to the hospital and, unfortunately, the police get hold of his vehicle before the driver can contact the owner of the vehicle involved, and this vehicle happens to have become a victim of this law a second time through no deliberate intention of any person, this man will find his bus forfeited when he is sick in a hospital ward.

Mr. Speaker, Sir, this is a very arrogant clause and I do not believe we are here to legislate arrogantly; we must be very humble gentlemen, and that is why we are called honourable.

The Minister for Information and Broadcasting (Mr. Osogo): Who is arrogant?

Mr. Mwithaga: Mr. Speaker, Sir, the Minister asks me who is arrogant: the clause is arrogant. I can assure the Minister that the pirate vehicles are being used by poor people, most of whom cannot find an alternative source of income.

The Minister for Information and Broadcasting (Mr. Osogo): So what?

Mr. Mwithaga: Mr. Speaker, Sir, I am not worried when the Minister for Information says, "So what" about the pirate cars. He does not care whether those people can find employment anywhere or not; he is not worried at all because he is fully employed and he has the big job of Minister; but next year, when we go the elections, the people will decide whether that employment can last any more or not. These pirate drivers will decide with their votes, and when the Minister says "So what", he is abusing his voters.

Mr. Speaker, those pirate car owners, in fact, and if anybody tried to check I am sure the police would bear me witness, have not been able to find other employment and they deliberately refused to take that employment. They buy these vehicles with their Sh. 3,000 which they have been able to save to be able to make a living out of the Sh. 3,000 instead of using it on beer and other things. However, here we introduce a stringent, arrogant clause which such people will not be able to escape from.

The Minister for Power and Communications (Mr. Nyamweya): Why?

Mr. Mwithaga: The Minister is asking "Why?" I am glad that he is doing so because the reason is that a person who owns a pirate car pays a rent to the municipality for the house he lives in with his kids—Sh. 130 per month. He pays Sh. 60 a month for each of his children going to school. If he has five children, that is Sh. 60 times five, which totals to Sh. 300 a month; this is in addition to Sh. 130 for house rent. Sir, he buys his own petrol and he spends about Sh. 100 per month on petrol. This man uses the simplest food, *muthere* or *ucuru* or *ugali*, and this costs that common man Sh. 100. This is Sh. 630 altogether, and then this man is expected to maintain his car in the garages and its costs him approximately another Sh. 200 a month to keep the car fit to be on the road. The total is Sh. 830. Now, Mr. Speaker, this man can be faced with a situation whereby it is impossible to be timely in paying for his licence. I am not saying that he should own this car without a licence at all, but I am saying we should not legislate so that we empower the police and the Registrar-General to grasp money which is important to those people. The sun does not shine every time and we must bear the problems of those people in mind when we legislate here, and we should be humble when we are approaching those problems.

Therefore, Mr. Speaker, instead of empowering the courts to order for the forfeiture of these vehicles on the second conviction, we should say

on the fifth conviction, and then we will allow the courts to have reason to believe that this man has deliberately defied the law, because he is already a habitual offender and continues committing this offence despite the court's warnings. A person committing a similar offence a fifth time, no man should have mercy on him. However, to punish him on the second offence is terrible. I know the Minister intends to create situations which are preventive so that we do not have this becoming a habit. It is true that to be preventive is right and good, but if we are preventive in this manner, then we are not preventive at all and are only trying to exploit the poverty of these people.

Mr. arap Biy: Are you supporting?

Mr. Mwithaga: Mr. Speaker, Sir, I am very independent in my conscience and I do not need the hon. Member for Buret to question my conscience. Mr. Speaker, the hon. Member comes from a place where this offence is not likely to occur because it is a farming area where the public are concerned with tractors and a few lorries that are used for carrying milk to the dairies—there is not as many vehicles as we see in the towns, motor highways and cities.

Mr. arap Biy: On a point of order, Mr. Speaker, I wonder whether the hon. Member, Mr. Mwithaga, is not really misrepresenting or imputing improper motives on the people of Buret, or Kericho District for that matter, when he categorically says that there are no motor vehicles in that area and there are only probably cattle and nothing else?

Mr. Mwithaga: No point of order.

The Speaker (Mr. Slade): I do not think he is out of order, but he may be wrong in his facts.

Mr. Mwithaga: Mr. Speaker, Sir, you understood, just as I did, that the Member only wants to keep the House warm and thinking of Kericho. I quite agree, we should think of Kericho.

Now, Mr. Speaker, I have advanced the point which I believe the Minister has seriously noted. We should reduce the possibility of forfeiting these vehicles on the second conviction to the fifth conviction, and I know the Minister is feeling concerned about it because he knows the kind of society in which we live.

The Minister for Power and Communications (Mr. Nyamweya): Mr. Speaker, Sir, on a point of order, in relation to the question of forfeiture of the vehicles, it is stated here that there is the question of the discretionary powers of the magistrate. In fact, what I said was that a vehicle

[The Minister for Power and Communications] is liable for forfeiture after the second or subsequent offence. Subsequent can mean any after the first one. Therefore, in fact, in this case, we agree that the powers are liberal enough to take your point into consideration.

Mr. Mwithaga: Mr. Speaker, the information from the Minister is not a new discovery because he said that in this House and I noted it. However, the point is that he is not prepared to tell us what the word "subsequent" implies in this clause. It specifically refers to the second conviction for the second offence, or subsequent. That is all right. However, Sir, if that word "second" did not come in, I would not quarrel with the word "subsequent". What I wanted was for it to say on the fifth or any subsequent conviction.

The Minister for Power and Communications (Mr. Nyamweya): Where did you get that fifth?

Mr. Mwithaga: I want the Minister to amend it to read fifth to allow time for people to adjust themselves.

Mr. Speaker, the other point is—for the information of the Minister—if I go specifically through each clause you will find clause 2 says, if I may quote:—

"Subsection (1) of section 40 of the Traffic Act is hereby amended by the deletion of the words 'Upon application by a police officer of or above the rank of Assistant Superintendent'."

Mr. Speaker, Sir, this is a very serious point. If you read on page 87, you will find that section 40 of the current law, subsection (1), says:

"... the Registrar may—

(a) revoke the driving licence of any person who appears, in the opinion of the Registrar, to be suffering from a disease or disability likely to cause the driving by him of a motor vehicle to be a source of danger to the public;"

Mr. Speaker, I completely disagree with any powers being vested in the Registrar anyhow. Let us use the Judiciary. We have the courts of law very independently established by this nation. Here, the general powers are given to the police so that upon application by a police officer of or above the rank of police superintendent to the Registrar, the Registrar can use the powers given to him in subsection (a) and (b). These powers should be vested in the courts, in the magistrates, so that this person appears in a court of law and is able to defend himself against any proposal by the court for the cancellation or withdrawal of his driving licence. That is the place where

this man has got freedom to express his defence, to advance his defence. What will happen if the police just believe that So-and-so has been convicted twice or thrice on this or that offence, or they see him drinking a lot of whisky or brandy, and he has never been charged for having been drunk, or anything else happens which makes the police believe that this man is perhaps not normal, and a mental hospital has not proved that this man is mentally deficient? How do we agree then, that they should have the right to apply to the Registrar for the forfeiture of this man's driving licence?

Mr. arap Biy: On a point of order, Mr. Speaker, Sir, under Standing Order No. 21 (1) I wish to move the adjournment of the debate on this Bill—

The Speaker (Mr. Slade): No, Mr. arap Biy, that is not something that can be done on a point of order. When you have caught my eye, and have the Floor in the course of the debate, it is a Motion that you can make with the leave of the Speaker; but you have to wait your turn until you have caught my eye.

Mr. Mwithaga: Mr. Speaker, the House will be surprised to see the hon. Member, who is so intelligent, rising and trying to interfere with such an interesting and important law.

Mr. Speaker, Sir, the word there is "revoke", and we all know what revoke means. That is doing away with it. This person will not be a licence-holder any more because it will be revoked. Therefore, why should we give such powers to the police and to the Registrar alone. My feeling here, Sir, is—and I hope the Minister will consent to this feeling because I have the right to advance them here and that is why I am sent here—that we should use the good offices of the court.

The Speaker (Mr. Slade): Mr. Mwithaga, you may have a good point there but I am afraid you cannot raise it on this Bill. As I have often explained, when we have a Bill for amending laws, we can only deal with the proposed amendments and not the substance of the law which is being amended. You see, there is no alteration proposed here of the principle that the Registrar has the power to revoke; all this alters is the officer who can apply for the revocation. Therefore, you have to keep to that point I am afraid.

Mr. Mwithaga: Mr. Speaker, Sir, you are very right. Clause 2, which is intending to amend subsection (1) of Section 40, gives us to understand that the amended subsection will now include the Registrar, who is not covered by the current Act. Mr. Speaker, Sir, I am objecting to this question

[Mr. Mwithaga] of the Registrar being included in this amendment, because the current act does not give the Registrar any powers; he is given powers by this amendment.

The Speaker (Mr. Slade): No, Mr. Mwithaga. You are referring to the description, attached to the Bill, of Section 40 (1) as it now stands, which gives the Registrar this power; the only amendment proposed by Clause 2 of the Bill is the rank of the officer who can apply to the Registrar, and that is all we can discuss.

Mr. Mwithaga: Mr. Speaker, Sir, I quite agree with you, but I had better leave it there. However, the Minister has nodded his head in agreement and he has taken note that even if the current law is as such, he is prepared to amend it so that people are taken to court and they are tried there and they can exercise their defence under our judiciary law.

Mr. Speaker, Sir, the other thing was the powers being given to the Minister to make rules. The Minister is being given powers to make rules—

The Minister for Power and Communications (Mr. Nyamweya): I will use them very carefully.

Mr. Mwithaga: I agree that he will use them very carefully, but I do not know why he should tell me before I speak.

Mr. arap Biy: He is not permanent.

Mr. Mwithaga: Mr. Speaker, Sir, if the Minister knows he is not permanent, I am worried about him.

Mr. Speaker, Sir, I must caution him on the rules he is going to make because they must be rules which he believes are completely workable. It has happened—

The Speaker (Mr. Slade): Which clause are you referring to, Mr. Mwithaga?

Mr. Mwithaga: Well, you know, Mr. Speaker, I have read the whole Bill and I know it by heart, but as far as referring to clauses is concerned, it is a big problem.

The Speaker (Mr. Slade): Which clause?

An hon. Member: He has no idea.

Mr. Mwithaga: Mr. Speaker, Sir, I will trace the clause but, you know, I read the whole Bill and I know it off by heart; I normally do not refer to these papers.

The Speaker (Mr. Slade): Hon. Members would make it a great deal easier for us to follow them if they would refer to the particular clause they have in mind. Also, I have to make sure that there is a clause in the Bill to which they are entitled to refer as relevant. I am sure you have it there.

Mr. Mwithaga: Mr. Speaker, Sir, honestly I would not tell the Chair I had read a particular clause unless I am sure I have done so. I am now referring to clause 8, which is on page 88. Mr. Speaker, this is intending to replace the current clause. Mr. Speaker, under clause 8 the Minister is still left with the powers to make rules. This is what I am talking about, Mr. Speaker. These rules, sometimes, Mr. Speaker, are made by Ministers not understanding that some of them are actually unworkable, and therefore the law does not create any solution at all. It does not even provide a workable solution, or a solution that is convenient to our people. Therefore, Mr. Speaker, I believe rules which are made should be as few as possible. Most of them may become tricky; and when they are tricky, the police get a loophole because they can always refer to the rules made by the Minister with authenticity based on actual law. They have the force of law because they are based on the main law.

Mr. Speaker, this makes more laws out of one law from the mind of one man, that is the Minister. I caution him to make very, very few rules with regard to the question of traffic—

The Speaker (Mr. Slade): Again, Mr. Mwithaga, I have to keep you relevant. The only alteration proposed here is the alteration of the penalties which the Minister can prescribe for breach of his rules. If you want to say that, because of the danger of rules made by a Minister, there should not be a very heavy maximum penalty for breach, that is all right. We cannot have you advising the Minister as to what rules he should make, other than the rules concerning penalties.

Mr. Mwithaga: Mr. Speaker, honestly I was coming to this point and I do not know why you have taken out food from my mouth.

The Speaker (Mr. Slade): It is the only relevant point, you see.

Mr. Mwithaga: Mr. Speaker, Sir, I was talking about few rules because I believe many rules could bring complications. At the same time, Mr. Speaker, Sir, as you rightly said, I was coming to that point of heavy maximum penalty. It is no good for the Minister to have these powers to direct anything to do with these fines. I believe, Mr. Speaker, Sir, that the main Act, apart from these rules, does provide for those fines. These fines will only be fines in relation to breach of the rules he will make.

Therefore, the rules must be very simple and where there is no possibility of breaking them, and where the question of heavy fines does not arise.

[Mr. Mwithaga]

Mr. Speaker, Sir, without dwelling very much on this as I have made my two points, the question of fines and the question of road systems which the Minister took note of, and he should reply to these and give us the usual promises and especially for the time he is going to be there, that is for another nine months, if he could enforce them we would be only too pleased.

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

Mr. Okelo-Odongo: Thank you, Mr. Speaker, Sir.

Mr. Speaker, Sir, although we have been disturbed with the news of people being killed on the Kenya roads, we are of the opinion that this kind of Bill is not really going to the root of the problem. This Bill merely makes the punishments more severe for the drivers, and so on, who are involved in accidents by increasing the fines to be paid, and by things like forfeiture of vehicles and also long jail sentences for the people who have accidents, and are lucky enough not to be killed.

Mr. Speaker, Sir, this approach, in our view, is not the correct one. The approach to the problem of accidents on Kenya roads should be much broader than what is included in the Bill. I do not think we should aim at punishing the driver as being the main remedy and so on, or the owner of the vehicle, because one thing we are quite sure about is that no one wants to die. Anybody who drives a car on the road does not want to die. None of us want to die. Nor do they want to disfigure their cars, or hit other cars. These are accidents, and we should look for the causes of the accidents rather than trying to penalize whoever is involved in an accident.

Mr. Speaker, Sir, the whole problem of accidents on Kenya roads, I think, affects this House very much because since we came here we have lost so many Members of the National Assembly through dying on the roads, and we spend most of our time on the roads—so the matter is very close to us. As a matter of fact, it is some kind of domestic problem so far as we are concerned. I think they should think in terms of the drivers who are employed by companies, or by others who can afford drivers. These are poor people who have to do driving as a way of earning their livelihood. If we make things too difficult for them, then we are not being fair. We have the drivers of the lorries, and of the tankers on our roads and so on, and these are the people who are trying to make a living out of that job. They have taken this up as their professional work, and I do not think they want to die purposely. We should find out why these accidents do occur and try to tackle the problem in broader way.

Mr. Speaker, Sir, I think one of the things which should be looked into is the engineering defects of the vehicles which are using our roads today. I think it has been said, many times in this House during Question Time, that many of the vehicles on the Kenya roads today are too long. I do not know where they are coming from. You can find a vehicle with about three parts. It looks like a small train on the road. If this sort of thing is allowed to go on, then naturally we will have accidents.

There are no regulations about lighting for these lorries. Some of them have lights on the side and some of them do not have anything at all. So, as soon as you pass the head, you think there is nothing there, and then you knock yourself against the tank. Mr. Speaker, Sir, this is one of the things which the Minister should have looked into. The control of engineering defects of our vehicles. Some of them are too long.

Some of the vehicles here are left-hand drive. If we are going to drive on the left as we do, then all the steering wheels should be on the right for everybody. If some are sitting on the left, and some on the right, then of course, you are likely to have accidents.

Mr. Speaker, another thing which I think has been pointed out by a Member in this House is the question of exhaust pipes. Some of these lorries, you find, have the exhaust pipe facing the road, and when you try to pass such a vehicle it is as if it is burning something and you cannot even see the road. Why cannot the exhaust pipes be on the outside? It appears some of the vehicles were really made for countries where they drive on the right. This is why they have the exhaust pipes bringing smoke on the roads. The exhaust pipe should face the outside, or even upwards so that the smoke goes up.

Now, Mr. Speaker, Sir, lights should be controlled. People have various numbers of lights on their cars. Some have four, some five, some looking upwards and some upwards—they are awful. Some are red, and some yellow. Mr. Speaker, Sir, how are we to avoid accidents? Sometimes you think you are meeting two or four vehicles when it is only one. These are some of the things which I think should be looked into, and they are the things which could prevent the accidents, Mr. Speaker.

The other point is about the roads. Mr. Speaker, Sir, we must appreciate the people who made the roads here a long time ago because engineering work was difficult and they did their best. We must realize that many of our roads are out of date. They have very sharp corners and they are also narrow. You find many of the signs

[Mr. Okelo-Odongo] are written in English and the majority of our drivers are Swahili speakers. Some of the signs are not read by anybody, and again you find they are not visible enough. They should be made more visible and more symbols should be used rather than the writing. You have no time to stop the car and read what you are being warned about. By the time you have read one sentence you are already leaving the road. Mr. Speaker, Sir, the signs on the road should be easily readable. If you are approaching a corner, then it should have a big sign which can be seen at night as well as during the day. If it is a narrow road, then we should also get a warning and if it is a steep place we should also get a warning, and so on. The signs on the roads are not clear enough and there is no reason why the roads which are near the city should not be properly lit. There should also be proper regulations on how to use your lights.

If there are lights in the city, and if the road signs in the city are lit, then there is no reason why people should use full lights on their vehicles there. In some cities you find people just use their parking lights because the cities are well lit and you do not have to use your own lights. Some of them here are not well lit but they should be lit properly so that people using vehicles at night do not have to use full lights because these are the lights which blind drivers and cause accidents.

Mr. Speaker, Sir, I think it has also been raised in this House that there should be some regulations with regard to drivers being employed by unscrupulous employers who want to use one driver to carry all kinds of goods from Mombasa to Kampala—this is in one night. Mr. Speaker, Sir, this is beyond human capacity. There comes a time when the driver becomes tired and cannot help falling asleep or seeing two cars instead of one and so on. First of all, the people who have to transport goods from Mombasa to Kampala, or Kisumu, must be regulated and there should be two or three drivers so that they can change while on the road and they do not become tired.

Now, Mr. Speaker, Sir, another interesting thing on the roads is that you meet these cars with white number plates; this means they are hired cars and some of the people who drive them are people who have come from abroad and probably they are used to driving on the right in their own country. They come here for just one day and they can walk into any of these places and hire a car and then they start driving themselves. I have seen some of these people driving very dangerously on Kenya roads, and

you can see that this person does not really know the signs on Kenya roads, or whether he has the right of way or if he should stop and so on. I think there should be regulations with regard to foreigners who come from the Congo, from America, from France or Germany and who can just take out a car. I think if anybody who comes from a place where they drive on the right must have a driver when he is in Kenya. He does not know how to drive on the left. I think these are some of the regulations which should be looked into.

Mr. Speaker, Sir, another point is that I think we should be severe on the drivers; but we must also remember there are cyclists who do not have to take any tests. Some of them ride their bicycles standing up, some use one hand, some use no hands at all—they just put their hands behind them and continue riding. They are also road users and they can be knocked down; and if you do it, then the whole responsibility lies with you. I am suggesting, Mr. Speaker, Sir, that the cyclists should be closely watched, and that there should be a standard set for cyclists. Our roads should be able to provide certain places where our cyclists can cyle; as a matter of fact they do this in other cities, so that they have their own side where they can cycle. In any case, I think, there must be some standard set for the cyclists, so that they may not do what they want, make corners when they want, put up their hands when they want and things like that. The same thing, of course, applies to the pedestrians. Those people who walk on the roads should be warned and also be fined, and we should see the police arresting some of the pedestrians for violating the traffic regulations, because sometimes the pedestrians are violent.

Mr. Speaker, Sir, many of our roads are very narrow and, therefore, accidents are unavoidable. With regard to the intention of the Bill, I know it wants to stop accidents on the roads and that is why it is making the punishments more severe. I also want to say that this is a narrow approach which is not fair, it is just hard on the poor drivers who have to make a living. It is not seeing what the Government should do, and it is high time that the Kanu Government opened its eyes so that it can see—if it can see at all—because there are a lot of things that are wrong which are causing these accidents. Mr. Speaker, Sir, the roads are narrow, and should have proper signs so that when you are approaching bridges you can know the meaning.

The Speaker (Mr. Slade): Order! Mr. Okelo-Odongo. I have allowed you to turn this debate on a particular Amendment Bill into a general

[The Speaker]

debate on road safety, because I think it is relevant. When a Bill is aimed entirely at road safety, it is relevant to say "Well this is not the way to achieve road safety", but I cannot allow hon. Members to go into great details on the other remedies, and still less repeat themselves on what they have said.

Mr. Okelo-Odongo: I think, Mr. Speaker, Sir, that I have come to the end of the point I wanted to make, with the last one on the bridges which should be protected.

With these few remarks, I beg to oppose the Bill as it is.

Mr. arap Biy: I stand to——

Mr. Karungaru: Oppose it!

Mr. arap Biy: I do not want to oppose the Bill as it stands, but what I would like to suggest is a further consultation between the Minister and the Back-benchers because this Bill, as the Minister explained to the House, is a Bill which will save many lives in this country, and I thought, Mr. Speaker, we would have had some free discussions on this Bill, because there are some good points which will help reduce accidents. However, in some other clauses there are some extremely harsh punishments, which, Mr. Speaker, in my opinion, will not really reflect any goodwill of this Parliament. We would like the members of the public to know that we are making laws which are for their own good. We do not want to punish the public generally, simply because there are a few bad men—bad drivers—who do not wish to comply with the laws of the land. Mr. Speaker, I do not want to take a lot of time because I have only one more suggestion to make.

This suggestion, Sir, is not really trying to undermine the wisdom of the Minister for Power and Communications, and the Government as a whole, but should go a long way to assist the good intentions of this Ministry. Mr. Speaker, I would like to suggest that this debate be adjourned so that we may have time for free discussion with the Minister for Power and Communications and summon a meeting for all—the Back-benchers—and sit somewhere in one of the rooms in this House regardless of being KPU Members or Kanu Members. We would like to have all hon. Members sitting outside this House and then have free discussions, free opinions being given, and I hope the Minister for Power and Communications will take those considerations into effect. I hope, Mr. Speaker, when debate on this Bill is resumed next time we will have more to say on it and we will have more positive clauses, and better amendments brought forward by the Minister in charge of the Ministry in question.

MOTION

ADJOURNMENT OF DEBATE: THE TRAFFIC
(AMENDMENT OF LAWS) BILL

Mr. arap Biy: Mr. Speaker, Sir, I beg to move the adjournment of this debate.

The Speaker (Mr. Slade): It may seem a rather curious proposition that a matter of this kind should be further discussed by all Members outside this House, when it would appear to be capable of discussion equally well in this House, but I think it is the kind of Motion for adjournment of debate which I must allow the House to consider. The only thing is, if it is seconded, I think I should put the Question without any debate, as to whether there should be any adjournment or not.

You second him, do you Mr. Karungaru?

Mr. Karungaru: I stand also to second the adjournment of this debate because, Mr. Speaker, Sir, when the Minister was moving this Bill we failed to understand why he was so very parochial on money. We think this Bill is for money; and if it is a new industry that the Minister wants to create for making money, he had better tell this House. It is for this very reason, Mr. Speaker, Sir, taking into consideration the dangers ahead, and at the same time knowing that money is not at all going to save our lives, we must adjourn this debate so that we may scrutinize it properly. However, we have failed to see the meaning and also the reason that the Minister has given to this House this afternoon.

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

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

Mr. Speaker, Sir, we regard the Minister who has moved this Bill as a very capable Minister. However, Mr. Speaker, Sir, this afternoon the Minister has shown us that he is no longer capable. It is for this reason that we are now trying to put off this debate until we know the reason why he is too much after money.

Thank you.

Mr. Shikuku: Is it in order for the Member to allege or impute that the Minister is after money?

The Deputy Speaker (Dr. De Souza): Order! I think, Mr. Shikuku, you must take that statement in the context in which it fits. It does not mean that the Minister is personally after money; what he means is, very obviously, that in the Bill the Minister seems to be interested in imposing high fines. He is not alleging anything improper against the Minister personally. I think that is very obvious.

[The Deputy Speaker]

Anyway, I will propose the question which is, that the Traffic (Amendment of Laws) Bill debate be adjourned. I will also put the question in terms I have proposed.

(Question proposed)

(Question put and agreed to)

(Debate Thereupon Adjourned)

MOTION**AMENDMENT TO STANDING ORDERS**

The Minister for Housing (Mr. Ngei): Mr. Deputy Speaker, Sir, I would like to move an amendment to Standing Orders to bring them in conformity with the Constitution of Kenya. If I may have a copy of this Constitution I would like to quote.

Mr. Deputy Speaker, Sir, the Standing Order No. 4, lays down the methods of election of the Speaker, the procedure for election of the Speaker. I would like to read the Constitution here, so that the hon. Members may be brought into light, for I know they might wish—

Mr. Bala: On a point of order, Mr. Deputy Speaker, is it in order for the Minister to start talking without moving the actual Motion?

The Deputy Speaker (Dr. De Souza): He might move it in the course of the debate, although he has not done it as yet. That is all right.

The Minister for Housing (Mr. Ngei): I think the hon. friend should know pretty well that I know how to move a Motion; I have been here long enough to know how to move a Motion.

Mr. Deputy Speaker, Sir, the Motion, as it is, says—that Standing Orders be amended; and I beg to move:—

THAT, Standing Orders be amended:—

(a) by adding at the end of Standing Order 4 the following paragraph:—

“(10) Notwithstanding anything to the contrary hereinbefore appearing, if there is not more than one candidate who has been duly nominated, that candidate shall be declared forthwith to have been elected Speaker, without any ballot or minimum vote being required.”

(b) by substituting in Standing Order 25(1) for the words “the attention of Mr. Speaker or the Chairman of Committees is called to the fact”, in the third and fourth lines thereof, the words “any Member objects.”

(c) by inserting in paragraph (b) of Standing Order 61, after the word “majority”, in the second line thereof, the words “and the Noes have not numbered thirty-five per cent of all Members of the House or more.”

Mr. Deputy Speaker, all what I am seeking is the agreement of this hon. House to bring the Standing Orders in conformity with our Constitution of Kenya so that everything will run smoothly.

Mr. Deputy Speaker, when we look at Section 37 of our Constitution, paragraph 1, it reads:—

“There shall be a Speaker of the National Assembly, who shall be elected by the Assembly, in accordance with the Standing Orders, from among persons who are members of the Assembly or are qualified to be elected as such members, other than the President, the Vice-President, Ministers, Assistant Ministers and the Attorney-General.”

This is the place where we would like Standing Order No. 4, which also reads Mr. Speaker:—

“(1) A Speaker shall be elected when the House first meets after any General Election and before the House proceeds with the despatch of any other business.”

Mr. Deputy Speaker, this is the question of marrying the Standing Orders to the Constitution, and I do not want to labour much on that because hon. Members are aware of this. It is thought that where such election is contested, there shall be a wish to keep the present position of this Standing Order, and formerly of the Constitution for a ballot of two-thirds majority up to the third ballot, but where there is only one nomination, the House desires to dispense with such formalities and to accept that any candidate is automatically elected. Therefore, Standing Order No. 4 could be amended as I have read, to marry Section 37 (1) of the Kenya Constitution, and then we have the whole thing running systematically.

Now, turning to Standing Order 25, Mr. Deputy Speaker—

This is another amendment we have in section 51 of our Constitution of Kenya which requires a Speaker to take an action of lack of quorum, only if an hon. Member actually objects that there is no quorum. The proposed amendment of this standing order brings the whole thing into line, and I want to read Standing Order 25 (1):—

“If at any time after the business of the House has commenced, or when the House is in Committee, the attention of Mr. Speaker or

[The Minister for Housing]

the Chairman of Committees is called to the fact that there is not a quorum present, Mr. Speaker or the Chairman shall count the House or the Committee as the case may be. If on the first count a quorum does not appear to be present, Mr. Speaker or the Chairman shall cause the Division Bell to be rung, as on a Division, and if no quorum be present before the expiration of three minutes from the commencement of the ringing of the Bell, he shall, after the lapse of such further time as he may deem reasonable, announce to the House, or to the Committee as the case may be, that there is not a quorum present and shall proceed as follows:—

- (a) If Mr. Speaker be in the Chair he shall adjourn the House without question put until the next sitting.
- (b) If the House be in Committee, the Chairman shall leave the Chair and report the fact to Mr. Speaker, who shall adjourn the House without question put until the next sitting.

Whenever Mr. Speaker or the Chairman, as the case may be, is engaged in counting the House or the Committee respectively, the doors shall remain unlocked."

Standing Order 61 (b) is the question of Division, Mr. Deputy Speaker, and the proposal is to amend the Standing Order to bring it more into line with section 47 (3) of the Constitution of Kenya, which was amended by the Constitution Act 1969.

Now these amendments may fail before what factually, they were designed to do to make Standing Orders follow more closely in line with the Constitution as it now stands, except for the new provision which will guard the election of the Speaker.

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

The Minister of State, President's Office (Mr. Koinange) seconded.

(Question proposed)

Mr. Shikuku: Mr. Deputy Speaker, I have been trying to follow the hon. Mover, but I just seem to be in a position of thinking that he moved nothing. I hear him saying it is because I do not understand, but I have been in this House for the last few years and I believe I am not an idiot. I am capable of following things done in this House probably much better than the hon. Minister. For example, when he was referring to (b), he just read something from the Standing Orders and he never referred to section 43 of the Constitution, which he talked about but failed to read to us. I was wondering whether it would

not have been better for the Minister to give us the references from the Constitution and from Standing Orders so that we could know what he was doing. But for the moment, Sir, I must confess I am completely at sea as to what the hon. Members have been told. I do not know what the Minister has moved. He just made a movement from his seat to the Table and back from the Table to his seat. If that is the movement, then he has moved nothing.

Sir, I was only on a point of order, I was not contributing to the debate because I am confused and completely at sea. I was on a point of order, Sir, and wonder if you could possibly enlighten the House as to what the Minister has moved because I just do not know.

The Deputy Speaker (Dr. De Souza): Order! Order! I do not know, but I think the Minister made it quite clear as to what he was moving. There are three aspects and I think I understood the first two quite clearly.

The first one is that there will be no election if there is only one candidate for Speaker; it does not have to go through the whole process of election, if I remember rightly, which we had before.

The second one is very important as far as hon. Members are concerned. In the past an hon. Member merely said, "I think there is no quorum", and what the Member now has to say is, if he wants to take objection to the lack of quorum, "I object to the lack of quorum". It is not enough just to draw the attention of the Speaker to the fact that there is no quorum; he has to stand up and object to the lack of a quorum.

The third one, I am not sure myself what it is. I am afraid I did not quite follow it. The trouble is, unfortunately, that my copy of the Constitution was taken by the Minister. I am sure the Minister would, if you would like him to, repeat the particular point and explain it again. That is (c).

The Minister for Housing (Mr. Ngei): Mr. Deputy Speaker, Sir, perhaps I moved too fast for the hon. Member for Butere to listen to me and—

Mr. G. G. Kariuki: On a point of order, Mr. Deputy Speaker, since what the hon. Minister is trying to do has never happened before, is it not in order that we require the Minister to bring all the relevant papers, relevant parts of the Constitution which have to be amended? Is that not the procedure?

The Deputy Speaker (Dr. De Souza): In the case of an amendment to a Bill, that is the procedure. This is not a Bill, and so it is not strictly necessary. We are only amending Standing Orders here.

[The Deputy Speaker]

It would, of course, I think have been a great help if the Minister had distributed, as Mr. Shikuku has suggested, all the relevant sections, both of the Constitution and the Standing Orders to show hon. Members what is intended. I am sure he will do that next time.

With the leave of the House we will give the Minister another opportunity to explain paragraph (c). I have tried to explain paragraphs (a) and (b) to the best of my ability, but I am sure you will explain (c) a little more, Mr. Ngei.

The Minister for Housing (Mr. Ngei): Thank you, Sir. First of all I must say that next time I know that the—

Mr. Mwalwa: On a point of order, Mr. Deputy Speaker, Sir, is it in order for the Minister to move a Motion the second time when he has failed the first time?

The Deputy Speaker (Dr. De Souza): It is not a question of having failed, Mr. Mwalwa. We are trying to give him an opportunity to explain something that perhaps some hon. Members, including myself, have not understood as fully as we should have. Perhaps it is our fault as well, we should have done a bit of homework as well and come prepared after having looked up the relevant sections of the Standing Orders and the Constitution.

I am sure you will all agree, however, that we will all be wiser if we gave the Minister another chance to explain this particular part (c). I am afraid I cannot do it because I do not have the copy of the Constitution with me. I am sure the Minister will explain.

The Minister for Housing (Mr. Ngei): Mr. Deputy Speaker, one very capable Member has a copy of the Constitution, the new copy, I mean, and that is hon. Lubembe. This means, of course, that hon. Lubembe takes his work seriously.

Paragraph (c) refers to Standing Order 61. I am sure every hon. Member has his copy of Standing Orders. I would like to read slowly, Sir, for the benefit of hon. Members. Standing Order 61 (b) is the one we are amending. All I am proposing is that after the word "majority" we insert "and the Noes have not numbered 35 per cent of all Members of the House or more". So the amendment reads:

"if the Division on that question results in a majority of Ayes and the Noes have not numbered 35 per cent of all Members of the House or more, Mr. Speaker may direct one further Division on the same question to be held within seven days from the date of that first Division; but if he does not so direct any

further Division, or if on such further Division the fixed majority is not obtained, he shall declare the Motion is negatived."

In other words, Sir, he will declare the Motion defeated on the second Division. That is all what I am trying to say.

Mr. Shikuku: Where does this marry with the Constitution?

The Minister for Housing (Mr. Ngei): Mr. Deputy Speaker, hon. Shikuku is trying to ask me where that does marry into the Constitution. I am afraid I have moved this and I cannot go on reading. If you have not done your homework, then I am sorry for you.

Sir, all what I am trying to move is that the words in (c) are inserted in Standing Order 61 (b) in order to give a more democratic approach to the whole affair.

I beg to move that the House notes the amendments as scheduled in the Order Paper under (a), (b) and (c).

The Deputy Speaker (Dr. De Souza): Perhaps I can add a little to what the Minister has said, and that is this. There are certain clauses in the Constitution—sections in the Constitution—which require a fixed majority of Members present and voting. The first part of section 61 says that, for example, if we need 65 per cent to amend a particular section of the Constitution, and we do not have 65 per cent of the Members present here, then as we know, or as hon. Members are aware, Mr. Speaker usually directs that the Division be postponed to another day.

Now, the second part says that if we take a vote, and if at the end of the vote the Ayes have a majority but do not have a 65 per cent majority, then Mr. Speaker, can direct that another Division takes place within one week so that the majority can be increased; in other words, the House can have a larger number and, perhaps, get the 65 per cent votes which are required to amend a particular section of the Constitution. This is the position as it now is.

The amendment seeks merely to say this; that not only must the Ayes be in the majority, but the Noes must not be 35 per cent. This means that even if the Ayes are in the majority, but the Noes have 35 per cent or more, then there will be no second Division. I think this is what it means.

I am sure I have made the position fairly clear.

Mr. Shikuku: Thank you, Sir, for the explanation. Now I know where I stand. Certainly, however, the Minister failed in his first attempt to convince the House. Had it not been for you,

[Mr. Shikuku]

Sir, (a) would not have been understood at all. Now we know why (a) is there. Last time when we were electing our Speaker there was no one opposing him and yet we had to go through the tedious procedure of voting for the Speaker. This is a welcome change which we support.

I hear the ex-Chief questioning. Unfortunately, he was not in the House when this was happening. Sir, I know that when we were electing the present Speaker of the National Assembly—and I can substantiate this beyond any shadow of doubt—hon. Mr. Khaoya—

Mr. Khaoya: On a point of order, Mr. Deputy Speaker, can the hon. Member substantiate that when you, Mr. Deputy Speaker, and the Speaker of the National Assembly were elected I was not here—at the time of the dissolution of the Senate? You ex-seminary fellow.

The Deputy Speaker (Dr. De Souza): I do not really know whether we want to go into this. I think the other hon. Member is right and you are also right. There were two elections and probably he is referring to the first election, and you are probably referring to the second one. In any case, it does not really matter. Carry on, Mr. Shikuku.

Mr. Lubembe: On a point of order, Mr. Deputy Speaker, is it in order for the hon. Member to call the hon. Mr. Shikuku, "You ex-seminary fellow"?

The Deputy Speaker (Dr. De Souza): I am sorry, I did not hear that. If you did say that, Mr. Khaoya, it is quite out of order. You must withdraw that. I do not think that any Member needs to be personal in these things. I have told you so many times about this. Please withdraw.

Mr. Khaoya: I will withdraw but—

The Deputy Speaker (Dr. De Souza): Order! no; no buts. If you said something, then you merely withdraw; there should be no buts.

Mr. Karungaru: On a point of order, Mr. Deputy Speaker, if that is the case, is it not fair that the hon. Member now speaking should refrain from calling the other Member 'ex-Chief'? He was only retaliating.

The Deputy Speaker (Dr. De Souza): Order! Order! I do not know that the word 'ex-Chief' would be considered derogatory, but I think the words, 'ex-seminary fellow', and certainly the word 'fellow' would be considered derogatory. I think I am much more entitled to withdraw that.

In any case, however, please let us not get personal.

Mr. Shikuku: I do not see any point where we disagree. I was talking of 1963 and at that time the Member was not here.

The Deputy Speaker (Dr. De Souza): Let us speak to the Standing Orders.

Mr. Shikuku: I will reserve my guns or bullets for another day when I will fix him.

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

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

There is no quarrel here as far as I am concerned because I recall very clearly, Sir, that when we were electing the present Speaker, and you, Sir, there was no opposition and yet we had to cast our votes. That was a waste of time. At that time my friend, hon. Khaoya, the ex-Chief was not there. Therefore, we should not waste any more time if there is nobody to oppose the Speaker. Let us have things done quickly. That is why I support (a).

Coming to (b), where any Member objects to a lack of quorum, this is normal and I agree with this. This has also been ably explained by the Deputy Speaker.

I come now to (c), which has also been ably explained by the Deputy Speaker. The Mover failed to give us a clear explanation.

I do not like this idea of re-doing things. We should only look into this question of the 'Noes' having 35 per cent. If they do have 35 per cent, then the whole Motion is thrown out and people forget about it. I would like, however, to point out one thing, Sir. We have had the problem of getting the right percentage in this House. Now, if the only loophole in this is that if there are 35 per cent who say, 'No', though we have a clear majority of the 'Ayes' we might be compelled to go to several attempts. Hon. Members can stay on here whenever we fail to get the majority of 'Ayes', and this may force us to go on with this same thing for a long time—

The Speaker (Mr. Slade): 35 per cent of all Members. It is not only 35 per cent of those present. It is only when it is 35 per cent of all Members who have said 'No.' that you cannot have another go.

Mr. Shikuku: I see, Sir. If it is 35 per cent of all Members of the National Assembly—Or is it 35 per cent of all Members who are in this House?

The Speaker (Mr. Slade): Of the National Assembly.

Mr. Shikuku: Oh, I see. If it is 35 per cent of the Members of the National Assembly, then I do not know how we shall be able to find that

[Mr. Shikuku]

out because those who may not be present, in their cases we will not know if it is 'yes' or 'no'. It is very rarely, Mr. Speaker, that we can get all the Members of this House here and I do not recall any day when we have had 170 Members in this House. The number is always less. So if it is 35 per cent of the Members of the National Assembly—

The Speaker (Mr. Slade): That is what the amendment says: "All Members of the House."

Mr. Shikuku: Physically speaking, Mr. Speaker, it will not be possible. I do not recall any time when we have had 170 Members sitting here, not even on the State Opening of Parliament. As a Chief Whip I have gone round but I have never been able to count 170 Members. This is physically impossible.

If it is 35 per cent of the Members of the National Assembly, then, theoretically, it may sound all right but, physically, I do not think that will be possible. Nonetheless, Sir—

The Speaker (Mr. Slade): Not today, but tomorrow, perhaps.

Mr. Shikuku: Mr. Speaker, let us see. Perhaps on Budget Day we may be able to get that number. I will be on the lookout to count. I am sure I will not get 170 Members of this House.

I believe the amendment is quite welcome because we have to be in keeping with our Constitution. However, that will not be physically possible. It is my hope that we may be able to get the right majority without having to have this 35 per cent of Members saying 'No'. The problem will, however, be here. For those who will be absent, we cannot assume that they have said 'No' because they may have said 'Aye'. So how will we be able to make out those who said 'Aye' and those who said 'No' in relation to the absent Members, it will be pretty difficult.

With these few remarks, Mr. Speaker, I beg to observe.

The Speaker (Mr. Slade): It is time for interruption of business, hon. Members; but before asking a Minister to move adjournment I might point out, for the benefit of hon. Members against the resumption of this debate, that this particular amendment that Mr. Shikuku is discussing is simply giving effect to what is in the Constitution. It is not much good discussing whether or not it should be in the Constitution. It is there, and our Standing Orders have to march with the Constitution.

MOTION FOR THE ADJOURNMENT

HOLDING OF ILLEGAL COURTS BY A SUB-CHIEF IN KITUI

The Speaker (Mr. Slade): I will now 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 Minister of State, President's Office (Mr. Koinange) seconded.

(Question proposed)

Mr. Munyasia: Mr. Speaker, Sir, the House will remember that on the 29th of last month, May 1969, I asked a Question by Private Notice of the Minister of State. To refresh the minds of hon. Members, I will read the contents of the Question. It said:—

- (a) Is the Minister aware that on the 29th February 1969 in Mulango location, Thome 10 and 11, the sub-chief, Isika Kikulu formed an illegal court and fined a school-boy, namely, Ileli, Sh. 70;
- (b) that on the 29th February 1969, the same sub-chief held another illegal court and fined the same boy, Ileli, Sh. 40, and three goats;
- (c) that on the 26th April 1969, the same sub-chief held another illegal court and fined the following school pupils as follows:—
 1. Nguthu Mwanza: Sh. 10 and three goats.
 2. Kanuku Mutio: Sh. 10 and three goats.
 3. Mutia Muli: Sh. 10 and one goat.
 4. Mutinda Kalinde: Sh. 10 and three goats.
 5. Kavuu Nguli: Sh. 10 and three goats.

The House will see that there are two different cases here. One, the illegal cases which affected one schoolboy known as Ileli. Forget about the five boys. Now, this schoolboy was fined twice and the boy is not in school now. The county division officer is not aware of this, the education officer of the area is not aware of this either. The Sh. 70 has been paid to the sub-chief himself.

When the Minister was replying he said: "Mr. Speaker, Sir, I beg to reply. I am not aware of the illegal courts having been held by sub-chief Isika Kikulu on the respective dates mentioned by the hon. Member. However, I am aware of an attempt by the local elders to settle a dispute between Mr. Mwembe and the five boys." Mr. Speaker, he has just jumped on this one boy. The Minister went on to say: "... who were involved in assault on his daughter in which the fines mentioned by the hon. Member were imposed." I would like to tell the hon. Members that this

[Mr. Munyasia]

boy Ileli went to the sub-chief's home with the other schoolboys, as is normally done by schoolboys. When the sub-chief found the boy there he held this illegal court and said that he found this boy trespassing in his home and stated that the boy must be fined. So the boy was fined Sh. 70 which was pocketed by the sub-chief.

Now, on the 27th of the same month, February, the sub-chief ordered the teacher—not the headmaster—to go to the school and beat the boy because he came to his home. The teacher started the beating the boy with a wooden stick. That wooden stick broke and one piece went back and struck the teacher on the head. Then the sub-chief told the teacher that he would hold another court, an illegal court, which was held on the 29th. Here, again, Sh. 40 were paid, but this time to the teacher as blood money. The teacher is holding Sh. 40 and three goats. This can be checked. That finished.

Then, the month of March elapsed and we came to April. At this time, the five boys were asked by the brother of Isika to go and help him in cultivating his *shamba*. A group of 40 school boys went to help Mwembe who is the brother of the sub-chief. According to the Akamba law, the customary law, when the group of women finish the work they enjoy themselves, they dance. This chief found the boys playing at his brother's home and he said that these boys must be accused and they were arrested and they were put into custody by the police. These fines, Mr. Speaker, as I have mentioned, were imposed on these five school children some of whom are less than ten years old. There is one who is about 12 years and the rest are in Standards IV, III and I.

Then, Mr. Speaker, the sub-chief, after remanding the boys in custody, got the police to summon them and here are the summons. He accused them of burglary under Section 304 (b). Now, when the police saw that things were hot in this Parliament they withdrew the case, and I have the two summons here, which I am going to lay on the Table. I did not have time to go and look for the other summonses.

The Speaker (Mr. Slade): What are you laying on the Table, Mr. Munyasia?

Mr. Munyasia: I am laying the summons, Mr. Speaker. You will see from here the boys were meant to report on the 19th May at 8.00 a.m. to answer the charge of burglary. I have only got one, Mr. Speaker, Sir, and I could not raise the other three because of the distance.

(The hon. Mr. Munyasia laid the papers on the Table)

Now, Mr. Speaker, Sir, it is my submission to this House that this House should know to whom these fines were paid, the fines of the five boys. This is very important because they were fined and who was paid? Under what section?

I would like to know if Mr. Mwembe's girl was injured in any way because this was in the reply of the Minister, and I do not recall at any time that the daughter was injured, and if she was assaulted did she go to a doctor to be examined?

An hon. Member: How old is she?

Mr. Munyasia: She is nine years and these were primary school boys.

Mr. Speaker, Sir, on the 8th May 1969, the district commissioner sent Mr. Muthoni who is a Meru and he went—

Mr. Okelo-Odongo: On a point of order, Mr. Speaker, I am seeking your guidance because the more I listen to the hon. Member, Mr. Munyasia, I think that the type of question he is discussing is something which should be discussed in a court of law; the boy, or somebody, should go to a court of law to accuse whoever is wrong. I do not know how this House can contribute to these very involved allegations and so forth.

The Speaker (Mr. Slade): The hon. Member is alleging that an administrative officer has mis-conducted himself by assuming judicial powers that do not belong to him and that is a matter for this House.

Mr. Munyasia: Thank you, Mr. Speaker, for putting the Member right.

Mr. Speaker, Sir, on the 8th May 1969, the district officer, Central (Inaudible) and he returned all this property to the five boys in question. The property was returned to the boys, but the very boy who faced the legal courts twice and paid Sh. 70 to the sub-chief and this has not been returned to him. Sh. 40 was also paid to the teacher and the teacher is still retaining this. The House wants to know, if these fines were returned, and the Minister has said to the House that this was according to customary law that the fines were imposed, why were they not returned?

Mr. Speaker, Sir, as I said earlier, the county education officer is not aware of this and the education officer of Kitui North is not aware of this. Therefore, it is my submission that such a civil servant who has misbehaved in such a way should be sacked forthwith with effect from today because this affects the lives of the school children, who are immature. These children are under age and I said earlier on that the oldest one is 12 and the rest are nine, eight and seven. These boys,

[Mr. Munyasia]

Mr. Speaker, for your information, were absent from school for three days because they were in the custody of the chief. This is a criminal offence against the innocent because they are innocent and they are not fully grown and they are immature. I am surprised to see the Minister defending a civil servant who messed about with this issue.

Mr. Speaker, Sir, the people of this country will be faithful to the Government if the Government speaks the truth and does not go around and hide the truth.

The Speaker (Mr. Slade): Your time is over, Mr. Munyasia.

Mr. Munyasia: Mr. Speaker, Sir, with these few remarks I beg to move.

Mr. Mwalwa: Thank you, Mr. Speaker, Sir, for giving me this opportunity.

Mr. Speaker, I want to make one point clear to begin with and that is that our duty in this House is to make laws and when we make laws, these laws are interpreted in the countryside by the administration. In the course of the administration of these laws, something may go wrong and, when something goes wrong, then it becomes a duty of the representatives of the people to bring the issues of what has gone wrong to the Government. What surprises many Members of this House is that whenever you present a genuine and clear case, as this one, to whoever is concerned, he seems to brush your case aside. One wonders, because the duty of us Members of this Chamber is to build the nation; the duty of the administrators also is to build the nation; the two parties have one common goal and that is to build the nation. However, the head of the administration tends to believe more in his own field officers than the Members of the House, and this is what causes all the confusion.

Mr. Speaker, Sir, I speak with experience. We have seen these things happen and we have brought Questions and we have spoken in this Chamber and we feel that the Ministers, or those concerned with the administration, do not take us seriously, and they seem to think we oppose the Government. We are not trying to oppose the Government, but we are trying to put the Government right. The Minister should not be shy because we are trying to protect them and show them the mistakes that have been made in the countryside by the field officers.

Mr. Speaker, Sir, we know, for certain, that if a chief or sub-chief makes a mistake then the district commissioner's work is to protect the

mistake so everything appears to be well. The district commissioner does not want to be blamed by the Minister, so the chief and the sub-chief all try to cover up their mistakes. When these mistakes are covered, Mr. Speaker, Sir, we are told about them by the people we represent. They approach us and tell us, but then when we come to reveal these facts the Minister says that it is not true or something like that.

Mr. Speaker, Sir, this idea must be given up. The Minister should come forward and tell us that if we know about these things, then the Government is going to look into these things and correct them. It is as simple as that. Simpler than simplicity. Let the Minister come forward and say he is going to investigate the mistakes and put them right. I am told by the Members that the investigation must be reported to this House so that we know the truth.

Mr. Speaker, Sir, personally, I have had the same experience in my own constituency. It was last year, Mr. Speaker, Sir, when my brother asked me for Sh. 70 and he told me there was a case concerning a *shamba* somewhere at home. I gave him the Sh. 70. I did not know what exactly was going to happen but, later on when I returned home from Nairobi, he told me he gave the Sh. 70 to the sub-chief to hold to his illegal court to try and judge a *shamba* case. This is something which I have experienced and I have not had to be told, that these illegal courts are taking place all over the country, not only in our own area, but also I believe in other hon. Members' places.

Therefore, Mr. Speaker, Sir, it is the duty of this Government and of the Minister in charge to listen to what the Members say and then try to correct it. Why is he afraid of correcting this?

The Minister of State, President's Office (Mr. Koinange): On a point of order, Mr. Speaker, Sir, can the hon. Member substantiate that these are taking place all over the country?

The Speaker (Mr. Slade): It is not a thing which you can substantiate with very much chapter and verse, but he must say on what grounds he alleges that it is happening elsewhere.

Mr. Mwalwa: Mr. Speaker, Sir, this is what I was saying that the Minister should not be embarrassed as we know—

The Speaker (Mr. Slade): Mr. Mwalwa, you are being asked to say on what grounds you allege this is happening elsewhere other than in Kitui. Where you heard it or just why. You need not give chapter and verse, but why you are saying this at all.

Mr. Mwalwa: Mr. Speaker, Sir, I said this because it happened in my own constituency, in Mr. Munyasia's constituency, in hon. Oduya's constituency and many other hon. Members have said, so, Mr. Speaker, Sir.

The Speaker (Mr. Slade): You have heard it from other hon. Members?

Mr. Mwalwa: Mr. Speaker, Sir, I am saying this, and we are very serious and genuine, we want the Minister to correct these mistakes and nothing else. He should not be afraid to correct what is wrong. We are with the people and the Ministers are far away from the people. They are not told of these things by the people. The people are close to us and they tell us and they approach us. They are afraid of the Ministers because the Ministers are too big for them and they cannot tell them exactly where things go wrong.

Mr. Speaker, Sir, with these few simple remarks, I beg to support the Motion and ask the Minister to be serious and be clear to this House.

Thank you, Mr. Speaker, Sir.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, when I replied, as the hon. Mover said, I did not want to repeat the same points he made.

I have made still more investigations and find that the point in question, Mr. Speaker, is the words "illegal courts". That is the main point, Mr. Speaker. I must say, at the outset, that with the definition of a "court" the hon. Member knows the sub-chiefs have no powers to hold a court, according to the definition of court. Therefore, the sub-chiefs have the right to call the people in their area and advise them. In this case, Mr. Speaker, Sir, this man did not hold a court in the definition of a court. What he did was to have the question of the boys who mistreated the girl tried before the elders according to the customs of the area in Kitui. That is the first point.

It was also understood, Mr. Speaker, as I said then and repeat now, that it was in the understanding that the person who is not satisfied can take the case further to the real court of law.

Mr. Mwalwa: On a point of order, Mr. Speaker, Sir, I am seeking your guidance in that the Minister says in the sense the sub-chief did not hold a legal court, and then he said those who were dissatisfied could take the case further. Is that not holding a court?

The Speaker (Mr. Slade): That is not a point of order. You could, with his permission, rise for an explanation but that is all. You have no right to interrupt on a point of order.

Mr. Munyasia: On a point of order, Mr. Speaker, Sir, I am seeking your guidance. Would I be in order, through you, to ask the Minister to answer my question first? Now he is blaming it on the five boys. He is trying to pass over the first two parts of the Question?

The Speaker (Mr. Slade): No, you cannot tell the Minister on a point of order the way he should answer your argument.

The Minister of State, President's Office (Mr. Koinange): When the district officer, who is in charge of the chiefs and sub-chiefs, saw this question, he said he had had this question reviewed and he advised that the calling of the elders to look into this question according to the customary law of the Kitui was not within the jurisdiction of that Kitui customary law.

Therefore, Mr. Speaker, Sir, they were advised to go to the courts and I understand they went to the court. The parents of the boys did not agree with the decision but the father of the girl did accept the decision. I said then, Mr. Speaker, Sir, that the matter as I have been given to understand has now been taken to the court. As it has been taken to court, Mr. Speaker, all I would like to say is that the sub-chief has no right whatsoever to hold what—

Mr. Lubembe: On a point of order, Mr. Speaker, is it in order for the hon. Minister if he knew this matter was in court and is *sub judice* why did he not advise us so that we do not sit here and listen to a matter which is *sub judice*?

The Speaker (Mr. Slade): No. The merits of the award are *sub judice*, but not the conduct of the chief. We are concerned with the conduct of the chief and whether he misbehaved. That is still open for discussion.

The Minister of State, President's Office (Mr. Koinange): What I would like to say, Mr. Speaker, is that the chief had no right to hold the court in the legal definition of court, but his office is given the responsibility to call and advise his people, and this is what this chief did. This is the point I wanted to show to this House and is what I said before.

Mr. G. G. Kariuki: Mr. Speaker, I think this question has been very ably put forward by the hon. Mover, and the Government has also been trying to put forward its case. I think the important point here to be listened to by the Minister, is the conduct of the chiefs and of some other people in authority.

It has happened in many places, as the hon. Member has said, and if the chief has power to advise people, then it is all right, but receiving

[Mr. G. G. Kariuki]

money from the people is absolutely illegal and the chief should have been arrested and put into custody somewhere. It is not fair that the advice of the chief is demonstrated by obtaining money from the public. The advice is merely what should be given by public officers. What we do as Members of Parliament is to advise somebody who has a problem. It is not the job of the chief to receive money. The Minister, whether he denies it or not—

The Speaker (Mr. Slade): Mr. Kariuki, we want to be clear on this with regard to precise facts. As I understand it, it is not alleged that this chief just helped himself to money, but, rightly or wrongly, he directed or advised a payment by these children or their parents to a girl or her parents.

Mr. G. G. Kariuki: Mr. Speaker, I am not trying to impute improper motives on the chief trying to receive money for himself. Whether he received this money for the Government or for himself, it was illegal for him to do so. He should only collect money for graduated personal tax and other things but not by fining people. In this case, Mr. Speaker, I do not think the Minister should protect people who are doing wrong things. It is for the Minister to set an example to some officers—

The Minister of State, President's Office (Mr. Koinange): On a point of order, Mr. Speaker, I said no sub-chief has the right to hold a court in the definition of a court, and this chief did not hold one. I am not protecting anybody.

Mr. G. G. Kariuki: Mr. Speaker, I am happy for the warning which has just been issued by the Minister that no chief is allowed to hold a court. I hope this will be taken by the Government and issued as a directive. Unless this is done such

things are going to continue. I think this sort of thing should be controlled before it becomes worse.

The Speaker (Mr. Slade): Mr. Oduya, you have two minutes.

Mr. Oduya: Thank you, Sir.

I only want to endorse what my colleagues have said here, and also to ask the Minister to be very serious with his office. If there is any place where the Government will be more unpopular it will be through his office. The chiefs are the people who are supposed to interpret and advise people on the right things. I know, and if he wants I can challenge him as I am going to bring up a very burning issue before this Chamber. I do not want to do so, because I have left it with the provincial commissioner to settle. Mine is even more serious than this, where people have taken the law into their own hands.

Mr. Speaker, Sir, what we are trying to do here is to try and tell the Minister to find a way to help the situation before it becomes out of control. Once the administration gets out of control, the Minister will not be able to stand here and talk the way he has been when he says he is not protecting these people. He will be running between two places looking for police and other people to protect him instead of protecting the nation.

With these few remarks, Sir, I hope the Minister will be very serious in matters which the Members raise in this House.

ADJOURNMENT

The Speaker (Mr. Slade): Our time is up, hon. Members, so the House is now adjourned until tomorrow, Thursday, 19th June, at 3.30 p.m.

The House rose at Seven o'clock.

Thursday, 19th June 1969

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

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

PRAYERS

PAPER LAID

The following Paper was laid on the Table:—

Kenya National Library Service Board Annual and Audit Report 1st July 1967—30th June 1968.

(By the Assistant Minister for Lands and Settlement (Mr. Malinda) on behalf of the Minister for Natural Resources (Mr. Nyagah))

NOTICE OF MOTION

VOTE ON ACCOUNT

The Assistant Minister for Finance (Mr. Balala): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT, in accordance with section 101 of the Constitution of Kenya the withdrawal from the Consolidated Fund of the sum of K£41,185,312 made up in the manner set out in the Vote on Account laid before the House, be authorized for the purpose of meeting expenditure necessary to carry on the services of the Government of Kenya during the year ending on the 30th June 1970, until such time as the Appropriation Act for that year comes into operation.

Mr. Speaker, Sir, the President's consent has been signified to this Motion.

ORAL ANSWERS TO QUESTIONS

Question No. 284

STATUS OF EMURURUA DIKIR FOREST

Mr. ole Lemein asked the Minister for Natural Resources if he would tell the House if he had approved of Emururua Dikir Forest at Kilgoris in Narok District becoming a Narok County Council forest. If so, would he say:—

- (a) When the forest had been gazetted.
- (b) How many people were supposed to be living in that forest.
- (c) What action Government had taken against those people living there illegally.

The Minister for Natural Resources (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply. The answer to the first part is no, Sir.

- (a) The forest is not gazetted.
- (b) There are approximately 3,000 souls living in the forest.

(c) The Government is always vigilant in checking on people who live in the forest illegally. When they are found, they are normally prosecuted.

Mr. ole Lemein: Mr. Speaker, Sir, arising from the Minister's answer, is he aware that the Narok County Council have sent in their by-law for that forest to be gazetted since about a year ago and that this has not yet been gazetted?

Mr. Nyagah: Mr. Speaker, Sir, the Minister is not aware of this. I have, thoroughly, searched for this information on this allegation and there is no such thing.

I think the hon. Member should go back to the Narok County Council and ask them to send, express, their resolution and we shall act quickly.

Mr. ole Kipury: Mr. Speaker, Sir, arising from the Minister's reply, that the forest has not been gazetted, what does he mean when he says that the people living in the forest are there illegally? Who are these people who are living illegally in a forest which has not been gazetted?

Mr. Nyagah: Mr. Speaker, Sir, perhaps if the hon. Member had read the question, he would have seen that there is a supposition from the Questioner.

I said, if the people are found living in a forest illegally, the normal thing was to prosecute them. However, as this one is not a gazetted forest, the answer is as I gave it.

Mr. ole Lemein: Mr. Speaker, what action is the Minister going to take against those 3,000 people who are living in that forest and the Masai do not like them to live there because they are not Masai?

The Speaker (Mr. Slade): Order! Hon. Members making too much noise and you could not be heard, Mr. Lemein. Could you please ask your question again?

Mr. ole Lemein: Mr. Speaker, Sir, my question is this: what action is the Minister going to take for those people who were not given any consent by the Masai to live in that forest?

Mr. Nyagah: Mr. Speaker, Sir, I realize there is a lot of interest on this, but I would like to ask, through the hon. Member, that the people—the approximate number I gave was 3,000—should stop running away when the Government officials go to their area.

Question No. 266

WAGES RULES OF ENGINEERING AND MECHANICAL TRAINEES

Mr. Kebaso asked the Minister for Labour if he would tell the House—

- (a) if the Minister was aware that by laying down wages regulations for the mechanical trainees many private firms

[Mr. Kebaso]

had declined to take on school-leavers, especially the Certificate of Primary Education failures or those who passed but failed to qualify for higher education;

- (b) if the Minister would reduce the present figure and make the minimum wage, say, Sh. 75 to Sh. 80 per month for the first 12 months and Sh. 100 for the second year depending on the agreement between the parties.

The Minister for Labour (Mr. Mwendwa): Mr. Speaker, Sir, I beg to reply. (a) The Wages Regulation Orders are laid down to protect workers from possible exploitation by employers, particularly in industries where employees do not have a well-established trade union to handle their matters and where also employers are comprised of several firms of varied sizes. Besides the Regulation of Wages (Apprentices and Indentured Learners) Order 1967, which covers mechanical trainees, there are 15 other Wages Regulation Orders covering other trades.

Wages and other conditions of employment contained in any Order are discussed and agreed upon between employers' organizations and workers' representatives before they become law. Both parties take into account the ability of a particular industry to pay as well as considering the basic requirements and needs of workers.

(b) The agreed wage for the first year of Apprenticeship and Indentured Learnership is Sh. 140 per month which includes a trainee's salary and house allowance. This is considered to be just adequate for a worker, irrespective of whether he failed the Certificate of Primary Education examination or not. I am, therefore, surprised that the hon. Member considers Sh. 75 adequate for a working person to live on, especially in urban areas where the cost of living is high. I disagree with him that Sh. 140 per month is too high for him to afford, and my own observation has revealed that this has not had any discouraging effect on the part of employers to employ these trainees.

Mr. Kebaso: Mr. Speaker, Sir, since the aim of the Kenya Government is that all should eat or share whatever little food we have, is the Minister, then, considering any other method whereby the youngsters, the school-leavers who are roaming in the towns without jobs can be absorbed in order to earn a living?

Mr. Mwendwa: Mr. Speaker, Sir, any firm in Kenya or any other employer when he employs any person, he does not take him as a trainee but as a person because a trainee needs to live just as much as any other person.

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Mr. Shikuku: Mr. Speaker, Sir, arising from that reply, that when an employer employs any person he does not take him as a trainee, are there any plans the Minister himself is contemplating for introduction to this House, whereby the people who have not had any training in any profession will be trained, so that the employer in Kenya will get people who are already trained? Is he making any plans or just sitting there doing nothing?

Mr. Mwendwa: Mr. Speaker, Sir, I am surprised that the hon. Member does not know that we have plans already, here in Nairobi. We have vocational training centres which employ—

Hon. Members: Where? Where?

Mr. Mwendwa: If you want to see, I can show you tomorrow. They are here in Nairobi.

I am surprised, Mr. Speaker, that a Member of Parliament does not know that there is a plan in existence. To make things worse, Sir, he is the Government Chief Whip. I hope he has now understood what I am trying to tell him.

Mr. Mate: On a point of clarification—

The Speaker (Mr. Slade): Order! Mr. Mate, clarification is not a point of order.

Mr. Munyi: Arising from one of the answers which has been given by the Minister, Mr. Speaker, is the Minister aware that now the mistake lies with the present machinery in that centre which is in Industrial Area and, therefore, it is high time that the Minister should change the whole machinery in order that there will be a co-ordinated machinery and things will go right?

Mr. Mwendwa: Mr. Speaker, it is very hard for me to get a mistake corrected when the mistake has not been pointed out to me. I would appreciate it very much if the hon. Member could come to me and point out where the mistake lies.

When he speaks of co-ordination, Sir, there is already co-ordination between myself and the staff over there. We know what we are doing.

Question No. 210

EXTENSION OF TELEVISION SERVICES TO EASTERN PROVINCE

Mr. Thimangu-Kaunyangi asked the Minister for Information and Broadcasting if he would tell the House if he was aware that television services could play a great part in development and, therefore, by not extending these services to Eastern Province the development of that province was not being given full facilities.

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Speaker, Sir, I beg to reply. I am fully aware that the television service can

[The Minister for Information and Broadcasting] play a great part in development, but as I have said many times in this House, although the long-term target of the Government is to expand television facilities all over the Republic, that target cannot be reached overnight. The Eastern Province is, therefore, included in the list of provinces which do not at the moment enjoy television facilities. They will be included in the television expansion programme according to the Development Plan.

Mr. Thimangu-Kaunyangi: Mr. Speaker, Sir, would the Minister expand on that answer by reading the priority list and showing in which years this expansion will be carried out?

Mr. Osogo: Mr. Speaker, Sir, what I would say at this stage is that the hon. Member should wait for the five-year Development Plan book to come out and he will see this there.

Mr. Mate: Mr. Speaker, Sir, since the hon. Minister for Information and Broadcasting has postponed the answer about television, and while realizing that Nairobi is better favoured—and maybe, Rift Valley—would the Minister, at least, tell the House whether Mount Elgon, Ol Donyo Sabuk, Ol Kalou, Mount Kenya, could not have a station there in order to give the people of the area television?

ARRIVAL OF HIS EXCELLENCY THE PRESIDENT

(The Speaker announced the arrival of His Excellency the President, the hon. Mzee Jomo Kenyatta, M.P.)

(Hon. Members rose in their places while His Excellency the President took his seat in the Chair of State)

(Resumption of discussion on Question No. 210)

The Speaker (Mr. Slade): I think, Mr. Osogo, you should answer that last question, and then we will proceed to the next business.

Mr. Osogo: Mr. Speaker, the answer I would give to the hon. Mate is that the places he has mentioned in his question are not at present covered by electricity. As such, we do not, at present, expect to instal television there.

The Speaker (Mr. Slade): Next Order.

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.

Hon. Members are already in possession of the Estimates of Expenditure for 1969/70 and of the Economic Survey for 1969. I now present the Estimates of Revenue and the Financial Statement.

Hon. Members may be relieved to know that my speech this year will be shorter than usual. They should not assume from this that my Budget will necessarily be mild. When an accused is obviously guilty, the judge need not deliver a lengthy judgment before sentencing him to 24 strokes.

The Government's financial position at 30th June 1969, will be about K£2.4 million worse than the forecast which I gave in last year's Budget Speech. The position, however, is more than covered by receipts from issues of Treasury Bills. On the recurrent side, Supplementary Estimates relating mainly to the need to provide over K£2 million for maize export losses will be more than covered by increased revenue. This increased revenue has come from import and excise duty and from income tax. We have also received an unexpected K£800,000 from the East African Currency Board following on the settlement of the dispute with Aden. Import duty would have been even higher, but has fallen off in recent months, partly owing to the cancellation of orders for imports by traders who have been refused licences or given licences for only a short period.

Development expenditure will reach a record total of about K£26 million and there are signs that the administrative problems which have restricted the amount of our development expenditure in recent years are being overcome. This level of expenditure on development projects should be seen as a substantial improvement when it is considered that during the last financial year, the audited expenditure on development was just over K£21 million. The country should be indebted to His Excellency the President and his Ministers for the particular interest they have continued to show towards the implementation of our planned development programme.

We have raised K£8 million on the local market and I have been able to transfer K£3 million from recurrent to development. I also propose to transfer a further K£3 million from recurrent to development and will be able to do this because we ended the 1967/68 year with a credit balance of a little over this amount in the recurrent Exchequer.

There is one minor matter which I am advised that I should specifically mention to the House. This is that it has proved possible to reduce the

[The Minister for Finance]

capital in the "other Governments and Administrations Pension Fund" from K£100,000 to K£50,000. The K£50,000 saved has been credited to the Development Exchequer Account.

It will be seen that the deficit is related entirely to development, and I could have avoided this deficit by restricting development expenditure. I have, however, preferred to take a lenient view with regard to expenditure on planned projects, but have taken a tough line with requests for Supplementary Appropriations for recurrent expenditure. I have taken a tough line with requests for Supplementary Estimates because if proper financial control is to be exercised by the House and by the Treasury, the printed Recurrent Estimates must be regarded as the proper ceiling for recurrent expenditure. I have been more lenient on the development side because I regard it as my duty to do what I can to ensure the maximum possible use of the nation's resources in the interests of economic development.

Throughout the year we have had cash problems. The deficit in the Development Exchequer has risen from time to time to over K£13 million, and the Cereals and Sugar Finance Corporation has had to find up to K£11 million, partly from Government sources, to finance large stocks of wheat and maize. These cash difficulties have been eased as a result of the issue of Treasury Bills, for which there has been keen competition by the commercial banks, insurance companies and other financial institutions.

So long as the position of the commercial banks remains liquid, it will be possible for the Government to maintain a regular float of Treasury Bills to the extent of at least K£5 million.

The Economic Survey is more comprehensive than ever before, and I do not intend to give hon. Members the feeling that they need not study it by presenting now a lengthy summary of what it contains.

Stability in international currency markets, reasonable rates of interest and freedom of movement of capital helps to create a favourable climate for our exports, and also makes it easier for us to attract capital investment and an increasing flow of tourists. These conditions did not prevail in 1968, although world trade did expand surprisingly well.

Last year it was forecast that our gross domestic product would rise by no more than 4 per cent or 5 per cent. In fact, the rise at current prices was nearly 6 per cent, and at 1964 prices over 6½ per cent. We have, in fact, achieved over the last four years the target rate

of growth set out in our published Development Plan. We would have done even better if Coffee Berry Disease had not led to a fall in the volume of our main export crop, and if sterling devaluation had not reduced the price we obtain for our tea.

1968 was a good agricultural year for cereal crops and we have built up a more than adequate stock of wheat and maize. There was a rise in tea production and there are now 38,000 farmers growing tea. There was also a big rise in sugar production which would have been even higher if transport problems had not left in the fields cane which should have been processed. There was a rise in livestock sales, but increased consumption of meat in the rural areas, which is a welcome sign of rising standards of living, created difficulties for the Kenya Meat Commission, which could have processed and exported far more meat if the cattle had been available.

Farmers' receipts from marketed produce in 1968 went up to a new record figure of nearly K£71 million, of which K£36 million, or over half, came from small farms. This again was a record, and sales from small farms have risen by 50 per cent in the last four years.

The most disquieting feature on the agricultural side of our economy was the rising volume of outstanding and overdue debt. Credit to farmers has been, and will continue to be, expanded, but the present level of arrears must be reduced, particularly of short-term debt.

The figures of our imports and exports show that on our trade with countries outside East Africa, there was a deficit of nearly K£52 million. This was K£5 million bigger than in the previous year because, despite the unexpectedly rapid rise in world trade in 1968, our exports rose a good deal more slowly than our imports. The deficit on our balance of visible trade is now more than twice as big as it was a few years ago, and although this reflects in large measure a rapid rise in imports of machinery and equipment essential to our development programme, it emphasizes the need to keep up our efforts to increase our exports and accelerate the pace of import substitution. Nevertheless, despite the size of the visible deficit in 1968, we managed to cover it—indeed, more than cover it—in other ways.

We earned a net amount of K£14 million on trade with Tanzania and Uganda, an increase of K£1 million on the 1967 figure, in spite of transfer taxes. We earned over K£16 million from tourism, and a substantial sum from freight charges on goods passing through Kenya to Uganda. Most of the balance was made up by the inflow of

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capital on public and private account, and our foreign exchange reserves rose by over K£11 million.

As pointed out in the Economic Survey, our favourable balance of payments position and our ability to continue to finance a high level of imports essential to our development, has depended in large measure on our success in attracting capital to Kenya.

Although our trade with African countries other than Uganda and Tanzania is not large, the figures show a significant increase in our exports to Zambia, which I hope will increase still further. We also sold more to the Sudan, Somalia, Ruanda and other African countries.

Manufacturing industry had a good year and recorded its greatest rate of growth since 1964. Activity in building and construction remained at a high level. The transport and communications group went ahead by 7 per cent.

Employment in what the Survey describes as the modern sector rose by only 1.3 per cent while the amount paid out in wages rose by nearly 5 per cent. The Survey does, however, show that in 1967, including those in employment on small-scale farms and in non-agricultural activities in rural areas, the number of persons in employment was over one million. The complete picture for 1968 is not yet available but the Survey states that there is evidence to suggest that employment rose more rapidly in the rural sector than in the modern sector. Enough new jobs are still not being created, but with a rising volume of production and a rising volume of capital being invested, I am hopeful that there will be a further increase in employment in 1969.

Before I leave the Economic Survey, I would like to draw the attention of hon. Members to the excellent account given in Chapter Nine of Government revenue and expenditure over the last ten years. Since independence, recurrent expenditure, as defined by the Ministry of Economic Planning for the purposes of the Plan, has risen by about 7½ per cent a year, though if expenditure directly financed by the British Government is excluded, to give a more accurate picture of the growth of the burden on Kenya, the rise is about 9½ per cent a year. Development expenditure rose by 11 per cent a year. Recurrent revenue has more than kept pace with the growth in recurrent expenditure, and we are now able to finance part of our development from a surplus on the recurrent Budget.

It is interesting to note that the really big money in revenue terms comes from very few sources. It comes from the income tax payer,

the smoker, the drinker and the motorist. Over one-third of the total comes from the income tax payer, and I am sure that there is very considerable scope for obtaining more in income tax by opening new income tax offices, and by increased efforts to trace those who should be paying this particular tax. A real effort on these lines is going to be made in the coming year.

It is also interesting to note that the motorist and the transport operator pay over K£10 million, and although we are spending a lot of money on roads we are recovering more than the total charge on revenue from those who use the roads. The contribution by the smoker and the drinker is also over K£10 million and has been steadily increasing, and I have been careful to nurture these sources of revenue by avoiding too sharp increases in taxation. I should not, perhaps, pursue this argument much further in case my hon. friend, the Attorney-General, accuses me of encouraging drinking and driving. More seriously, a study of this chapter does show that we get our revenue from those who should be able to afford to pay, and in a reasonably painless manner.

Another interesting table in this chapter sets out the sources from which we have financed development expenditure since 1963/64, when almost all expenditure was being financed from external sources. We are now finding over half from loans raised on the Nairobi market or from a Budget surplus.

I do not, however, agree with those who argue that we should depend entirely on our own resources. Capital is one of the essential ingredients of development and represents money which some one has saved. We must tap local savings to the greatest possible extent, but it is obvious that if we can also obtain access to other peoples' savings, then we will be able to finance a higher level of development expenditure and achieve a higher rate of growth.

Overseas savings also represent foreign exchange which we need for balance of payments reasons.

We are now experienced in the negotiation of overseas aid, and have been much encouraged by indications that the World Bank, which is already our largest overseas source, will be prepared to increase the rate of its lendings to Kenya. The strings attached to World Bank loans are, in fact, no more than the sort of guide lines which we would, in any case, wish to use. The projects must be sound and properly administered. The projects must be carried out as cheaply as possible on the basis of open tender. Materials must be obtained from the cheapest source. The money must not be wasted, and one example of this

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relates to our road programme. There would obviously be no sense in building up a main road system and then allowing over-weight vehicles to operate on the roads and break them up in a very few years. This was happening on the Mombasa Road, and has now been stopped.

Turning to the financial side of the economy, during the past year the country's banking system has gone from strength to strength. During the 16 months to April 1969, the deposits held with the commercial banks rose by K£16.5 million to over K£101 million. Nearly half of this figure represents time and saving deposits. During the same period total currency in circulation rose by nearly K£4 million. Thus, there was a rise in the volume of money, which at the end of April 1969, was some 20 per cent higher than it was at the end of 1967. I should like to add that this increase in money has been accompanied by relative stability in prices and could be regarded as a continuation of the tendency within the country to accumulate savings in money form.

It is also notable that during the same period, loans and advances by commercial banks actually fell by K£1.5 million, whilst the level of commercial bank deposits with the Central Bank had risen to over K£15 million at the end of April 1969. This high level partly reflects the Government's policy of centralizing the banking system's foreign exchange reserves.

The commercial banks have been urged to make every effort to increase their volume of lending to the local people. At the same time, the level of bank lending to foreign-controlled companies has been a cause of concern. The object of the exchange control restrictions on such lending is to encourage these companies to bring capital into Kenya and to limit competition with locally-based companies for domestic funds. There has also been a number of companies wishing to sell shares to local people to permit a measure of local participation. Such participation is usually accompanied by requests to remit the amount released overseas. I will not allow such transactions to take place unless the measure of participation is intended to lead to full local control of a company, or the investment has had the Approved Status. I intend to follow up the question of increased lending to local people in the coming financial year.

At the head of our banking system the Central Bank has continued to expand its role in the nation's monetary affairs during the year. The bank made a profit of K£800,000 on its operations in 1967/68 and it is expected that this year's profits would be even higher. In March of this calendar year the Central Bank, as agent

for the Government, successfully launched the first issue of Treasury Bills by tender.

I should like to say a brief word about the expansion of the commercial banking system in this country. The existing commercial banks have continued to set up new branches and agencies and the important mobile services, which they have been operating, have been extended. The new Banking Act, which came into operation on 3rd June 1969, seeks to improve the supervision of the banking system in Kenya by prescribing restrictions on certain lending transactions and by introducing a system of bank inspection. It also extends this control to other deposit taking financial institutions in the country and in this way the Act should enable the Government to ensure the maintenance of a sound monetary and banking system in the country.

The system of International Monetary Co-operation, established as a result of the Bretton Woods Agreement, suffered severe setbacks during 1968 arising from a lack of confidence in the main reserve currencies (i.e. the U.S. dollar and the pound sterling) and in the French franc. Last July the United Kingdom Government offered all Commonwealth countries a dollar guarantee on their sterling holdings, and the Kenya Government concluded an agreement with the United Kingdom last September by which, over the next three years, 90 per cent of our foreign exchange reserves are now, in effect, in dollars, or are dollar-guaranteed. Meanwhile, the search for a solution to the recurrent monetary crises continues. On our part, we will continue to lend full support to the International Monetary Fund and the International Bank for Reconstruction and Development, and will reject any solution which would lead to making developed countries richer and developing countries poorer. We, therefore, consider that raising the price of gold would be unacceptable. We have supported the scheme for Special Drawing Rights and have welcomed the proposals for the stabilization of prices of primary products.

It will be recalled that, during his visit here last November, Mr. Pierre-Paul Schweitzer, Managing Director of the International Monetary Fund, was impressed by Kenya's ability to manage its own affairs, and to continue a steady rate of development without borrowing from the International Monetary Fund. The Government is proud of this record, and of the high standing which Kenya has achieved in the eyes of overseas investors. The House will be proud to note the impressive rise in our Foreign Exchange Reserves from K£30 million to over K£50 million

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in a little over the space of a year, which naturally will increase confidence in our money and stand us in good stead in the future.

It is also a matter of pride to note that the wholly Government-owned National Bank of Kenya has made substantial progress since the end of November last year, when it commenced business. This bank, which provides a full range of commercial banking facilities, continues to receive more and more deposits and has so far successfully started to implement its declared policy of assisting Kenya businessmen and firms to increase their participation in the local commercial and industrial sectors. About K£350,000 of the bank's resources have already been committed, mainly to the execution of this policy.

The last chapter of the Economic Survey deals with the outlook for 1969. It shows that the economy should continue to grow at the rate of about 6 per cent. Agricultural production is likely to rise in volume by about 6 per cent, but in value by only about 3 per cent, as prices in export markets are likely to be lower, particularly for coffee and tea. The size of the wheat and maize crop is still uncertain. A further rise of about 7 per cent in manufacturing is forecast, and building activity will remain at a very high level. The tourist industry should do well, and our balance of payments is expected to remain in surplus.

In addition to the state of our balance of payments I also have to bear in mind, in deciding whether or not to increase taxation, the effect of a decision of this kind on our economic position. We do not, in my view, at the moment need to impose much additional taxation for the purpose of checking inflationary conditions. Prices have remained remarkably stable, both of land and labour, which can be brought into productive use.

Expenditure is likely to exceed the published estimates, and the reason is that we will in 1969/70 have to export a substantial amount of maize and wheat at a loss.

The losses on the export of maize will be less than in the present year owing to the lower producer price, administrative savings by the Maize Board and, it is hoped, some increase in the export price. But losses cannot be eliminated until we have managed to install bulk handling facilities at Mombasa and on the railways. Arrangements for this are in hand, but it will take at least two years before the necessary wharf for loading grain in bulk, and the necessary silos in which grain can be stored, and from which it can be loaded into ships, have

been built. We can see the light at the end of the tunnel, and in view of this I do not think it would be right to make a further reduction in the producer price of maize for the 1970 crop. I hope that within three years we will be able to achieve export parity without any great reduction in producer prices, but this will depend on the savings we can actually achieve from bulk handling and the trend of export prices. I am confident that maize can become one of our major export crops and a major earner of foreign exchange, but in 1969/70 a fairly substantial loss will be made on exports.

The position with regard to wheat is different. When we exported wheat from the 1967 crop we lost 39 shillings per bag. We have reduced the producer price by 10 shillings, but the remaining gap is too great to be covered by further possible reductions in the producer price, or by savings on bulk handling. It is likely to prove impossible to achieve export parity for wheat. Our policy, therefore, must be to grow enough wheat for our needs and for that part of the East African market which we supply, but to avoid, as far as possible, the need for exports. This will not be possible in 1969/70, as we already have over 2 million bags of wheat in the country, either in stores or on farms, and this is far more than we need for the East African market for a full year. We will have to export not less than 500,000 bags to make room for the 1969 crop, even if it is not a large one, and we will lose over 30 shillings per bag on these exports.

I could have included in the Budget provision based on estimates of probable losses, but no firm estimates can be made until we know with some certainty what the size of the wheat and maize crop will be. We will not know this for another four or five months. I have assumed in planning the Budget that I will have to come back to the House for not less than K£2 million for wheat and maize export losses.

If hon. Members think I am praying for a drought which would save me this expenditure, they are wrong. If we have a drought incomes will fall, and money which would have been spent on dutiable commodities will be spent on food. I would not then achieve my estimates of revenue. Either way, I am bound to lose and I therefore wish all farmers a bumper harvest. I hope that when they get their crop they will remember the need to repay the money which they owe to the Agricultural Finance Corporation.

I will come to my Budget proposals in the next few minutes, but before I do so, I would like to refer the hon. Members to His Excellency the President's Madaraka Day Speech, in which the

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President very ably reviewed the Kanu Government's achievements since our first Madaraka Day. The President listed 30 critical points, and outlined the spectacular success the Government has made under his leadership. These landmarks of our national development could not have been achieved without the necessary financial support, and I would like to inform this House that between 1963/64 and 1969/70 financial years, the Government will have spent K£540,000,000 in both recurrent and development services. Of this amount, over K£399,000,000 will have been spent on recurrent services, notably on Education which will have taken more than K£49,000,000, while Agriculture and Health Services will have been allocated with about K£43,000,000 and K£24,000,000 respectively.

The balance of about K£141,000,000 will have been spent on the various development projects, some of which would be Agriculture—K£21,000,000, Irrigation—K£3.3 million, Water Supplies—K£3.6 million, Land Settlement—K£25.6 million, Land reforms, particularly Land Consolidation—K£5 million and K£30 million on roads. The private sector, including our Local Authorities and statutory boards, will have played a significant role in development, and I would suggest that this task will have been accomplished because of the wise leadership and the administration the country has enjoyed under the Kanu Government.

I now turn to the Development Estimates for 1969/70 whose details are provided in one of the documents that I have tabled before the House. There are some features of these estimates to which I would like to draw the attention of the hon. Members. The first is that these are the highest estimates on developments that we have ever had, and represent a net expenditure of some K£29.3 million, or a gross expenditure of just over K£30 million. The second feature is that the estimates herald the first year of our next planning period of five years; they also represent the final instalment of the development expenditure envisaged in the table on page 118 of the present plan, which shows that the Government development expenditure during the period 1965/66 to 1969/70 would be around K£92 million. This target will have been exceeded by the end of the next financial year, when the total expenditure is expected to have reached a figure of K£100,000,000. It must, however, be admitted that the figures are not strictly comparable as we must allow for the rise in costs, particularly of building and road construction. Another significant aspect of the estimates is that I expect to find slightly less than half of the total amount from external sources,

notably the World Bank, the United Kingdom, West Germany, Norway and Sweden and the balance from local borrowing, some transfer from the recurrent Budget surplus, and a possible switch of investments.

Once again, the development of roads will take the highest allocation of gross expenditure of nearly K£8 million. The agricultural projects, excluding water development, will absorb K£3.8 million, but if water development is taken into account, the total sum for the Ministry of Agriculture will be over K£4.7 million. I am also hopeful that, in addition to the provisions made in the estimates for water development, negotiations will have been concluded with a foreign source which will make it possible for additional funds to be allocated for this purpose during the year. Health will take K£2 million, including K£950,000 for the Kenyatta National Hospital development into a Teaching Hospital, and Housing will take K£2.3 million, which includes K£1.8 million for the National Housing Corporation. K£2.1 million have been allocated towards land settlement schemes, but I should like to point out that a greater amount of this provision is expected to be spent on the development of farms rather than on land transfer as has been the case in the past. Towards Education K£1.9 million have been allocated, and the next financial year will be the first year during which our I.D.A. education projects will be implemented, along with the integration of selected *Harambee* schools into the normal financing programme by the Central Government. There is also a record provision of over K£1.0 million towards the Africanization of commerce and industry. The amount, however, excludes the K£470,000 recently loaned to the I.C.D.C. by a consortium of banks, including the National Bank of Kenya.

As stated in the General Memorandum Note, the estimates include expenditure on smaller but vital projects, such as pre-investment studies, surveys, training, loan schemes, Government participation in the development of the private sector, contributions to self-help and community development projects, unemployment relief schemes and assistance to the disabled.

It is also relevant to mention that, parallel with this national development effort, there are other development projects which the East African Community will undertake within Kenya, notably, the development of the Mombasa Harbour and the improvement of services provided by the Directorate of Civil Aviation. It will also interest hon. Members to learn that negotiations with a certain external source are in progress, with regard to the extension of the Embakasi Airport,

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and the present indications are that the first phase of this project is likely to require just over K£4 million out of a total project value of about K£8 million. My Ministry is also looking forward to undertaking possible negotiations with the World Bank that would lead to a road development programme estimated to cost about K£15 million over a period of years, the next I.D.A. financed education programme and expansion of our forestry development. I am very hopeful that conclusions in these negotiations will be reached before the end of this calendar year. The final round of discussions on the proposed Broderick Falls Pulp and Paper project will be undertaken in the next few days.

As I have already stated, the provision for development in the next financial year is much higher if compared with the amount of about K£21 million which we spent in the last financial year, and there has been a great deal of improvement in the implementation of our planned projects. It is because of this that I am hopeful that development expenditure is likely to be in the region of K£26 million, as compared with K£27.1 million shown in the printed Estimates for the current financial year. I am also hopeful that further improvements in our performance will become evident in the course of our first year of our next Development Plan, which is to be published before the end of this calendar year.

A while ago, I did say that expenditure on Development next year will be the highest we have ever budgetted for, and this remark equally applies to the recurrent provision for the same period. The expenditure summary shows that I expect to be able to provide about K£79,500,000 of gross expenditure, or a net expenditure of slightly over K£67,000,000. Taken together with expenditure on development, I have budgetted for a total expenditure of about K£110,000,000.

It is not my intention to bore hon. Members with details of the recurrent expenditure which, no doubt, they will find for themselves from the printed Estimates, but I should like to say that provision on Education tops the list with over K£9,500,000, followed by Agriculture, Works, the Police, Kenya Armed Forces, Local Government, the President's Office and Health. The Public Debt has also gone up by about K£850,000, and the total recurrent Budget, which is based on our new Plan, has a net increase of about 9 per cent compared with the provision made in the 1968/69 printed Estimates. The question that then arises is how I intend to finance this rather high recurrent expenditure. The answer, which I regard as simple, will emerge from the remaining part of my speech.

PAPERS LAID

1969/70 Estimates of Revenue of the Republic of Kenya for the year ending 30th June 1970.
1969 Financial Statement for the year of Account 1969/70.

(By the Minister for Finance (Mr. Gichuru))
(Resumption of Minister's speech on Financial Statement)

This brings me to my new taxation measures, and in accordance with our normal practice, I would ask, Mr. Speaker, that 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.

The most important change from the point of view of revenue is one which has already been announced and enacted into law by the Central Legislative Assembly. This is a change in the dates on which companies will be required to pay corporation tax. Under the former system, all companies which made up their accounts to any date in 1969 would not be assessed to tax on their annual profits until after the end of 1969, and would not have to pay corporation tax until 31st December 1970. This would mean, for example, that a company whose financial year ended on 31st January 1969, would have 23 months before it had to pay tax. Under the new system, all companies will have to pay tax on their profits 12 months after the end of their accounting year. This will ensure a more even flow of revenue and the prompter payment of tax. This new system will come into operation this year, which means that companies making up their accounts, for example, to the 31st March 1969, will be assessed and required to pay tax by 31st March 1970.

In 1969/70 the Government will get windfall revenue of an additional sum of not less than K£1 million, but the extent to which this will benefit our cash position will depend on the extent to which the companies concerned already hold tax reserve certificates against their outstanding tax liabilities. Taking into account also the increased level of profits in 1968, as compared with 1967, I expect to get additional revenue of about K£3 million from income tax in the forthcoming financial year.

New dates for payment of surtax by all those liable to surtax, and new dates for the payment of income tax by individuals not subject to P.A.Y.E., have also been announced. These will not affect the 1969/70 financial year. The dates for tax payments in 1970 will be the 31st August and the 31st December, instead of the 31st October 1970, and the 31st March 1971.

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One other amendment consequential on the amendments already approved by the Central Legislative Assembly is included in the Finance Bill. Until the law was amended, individuals got the benefit of an allowance arising from a change in status immediately, but did not lose the allowance if their status altered. When one got married, one immediately got the benefit of the marriage allowance, but if one parted from one's wife and no longer had to maintain her, one did not immediately lose this allowance. I think it must be agreed that personal allowances should be related to a change in status, whether this is for the benefit of the individual or for the benefit of the revenue. The amendment makes the higher single allowance subject to the new rule.

I now come to import and excise duties. A number of errors and anomalies have been discovered in the transposition of the former tariff to the Brussels nomenclature. Most of the amendments relate to the correction of these errors, and restore the position to what it was before the new tariff was introduced last year. I do not think that I need refer in detail to these minor changes which affect dye-stuffs, linseed, lubricating preparations, sheeting, tyre flaps, can-keys, palletes, fish net floats, the raw material for making crown corks, steel structures, and certain pipes, tubes and fittings. Another amendment to the excise tariff has corrected an anomaly relating to the excise duty on distemper and paint.

One minor change makes containers, which are likely to be used to an increasing degree to pack our imports and exports, free of duty. A further minor amendment adds safety belts and crash helmets to the definition of protective clothing which is admitted duty free.

Two fairly major changes are being made for protective reasons. The first makes provision for suspended duties on pulp and paper products, and will enable us to give 40 per cent protection to our Broderick Falls Pulp and Paper Mill. The suspended duties will not be brought into force until, or shortly before, the mill goes into production. The second major change provides for increased suspended duties on motor tyres and tubes, which will also not be brought into force until, or shortly before, motor tyres and tubes begin to be made in East Africa. There has also been a reduction in the duty on canvas, designed to assist the local manufacture of canvas products, and an increase in the duty of aluminium circles to give additional protection to an East African industry.

I now turn to changes which have some revenue implications. Washing machines and spin-driers are being made dutiable. Most of this type of

machine are already dutiable if they are used domestically, but not if they are used in a commercial laundry. This seems to me to be an anomaly, but I will be prepared to consider applications for the refund of duty to hospitals and similar institutions.

I am proposing a major change in the present system of excise on cigarettes. Cigarettes are now taxed by a complicated formula related both to weight and price. Under the new system, the tax will be related only to the price, which will be simpler and will also provide a more progressive method of taxation. The retail price of our most popular cigarette with the largest sales, namely Sportsman, will remain unchanged. Some of the more expensive brands, such as State Express and Rex, will go up by 10 cts., and two of the cheaper brands will go down by 5 cts. per packet of 20. Additional revenue of this measure will amount to about K£50,000 a year.

Another measure designed to protect local products, but having some revenue implications, is an extension of a policy which has been gradually implemented over the last three years of increasing duty on food products to 50 per cent. This increased duty already applies to processed products, and I can see no reason why, for example, dried figs should pay 50 per cent but fresh figs only 30 per cent. The 50 per cent duty will apply to all fresh vegetables and fruit.

All these changes will come into force from midnight tonight.

I have one further change to announce which relates to the system of charging excise on beer and stout. Under the present system, the charge is related to gallons of worts, but I feel that it would be much simpler from the administrative point of view to charge duty at the stage when bottles of beer or stout have been produced in the factory. The new system will come into operation on the 1st July. The present allowance for wastage is excessive and has been reduced. This will give us additional revenue of about K£100,000. Breweries were allowed 10 per cent wastage and I am reducing this to get K£100,000. Arrangements will be made for the duty to be paid in advance, related to production in the previous month, to avoid a hiatus in the flow of revenue to the Government. The import duty on stout is being increased to give additional protection to the local product, and there will be a slight reduction of the present excise duty on stout.

These proposals have been discussed and agreed with the Finance Ministers of Uganda and Tanzania, who will be announcing similar measures today. They may also be announcing other changes in taxation which will apply only in their own countries.

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I have one final proposal to put forward which I am sure all hon. Members will welcome. I propose that in 1970 the lowest rate of graduated personal tax, namely Sh. 2 per month, for those with incomes of less than K£48 per annum, should be abolished. This will apply from the 1st January 1970. This change should not lose local authorities a very large amount of revenue if, as intended, greater efforts are made to assess correctly those who will still be liable to pay, and to collect the tax in full from them.

To sum up, my taxation proposals will give us next year K£1 million from the change in dates for payment of corporation tax, and about K£200,000 from changes in import and excise duties. After allowing for the growth in revenue resulting from the growth in the economy we should get about K£3.2 million more in revenue than in the present financial year. The recurrent Budget will be balanced after allowing for expenditure of K£2 million not shown in the estimates, and likely to be needed for maize and wheat export losses. In addition, there will be a surplus of about K£4 million available for transfer to development.

Development expenditure will be financed to the extent of K£14 million from overseas sources,

K£4 million from the recurrent surplus and K£11 million from loans raised locally.

My Budget could be described as a standstill Budget in the sense that it proposes no significant changes in taxation. I would prefer to describe it as a go-ahead Budget as it provides for our biggest ever programme of recurrent and development expenditure, demonstrates the growing strength of the economy, and sets the stage for a further advance towards greater prosperity.

Mr. Speaker, Sir, I beg to move.

The Minister for Co-operatives and Social Services (Mr. Ngala) seconded.

(Question proposed)

DEPARTURE OF HIS EXCELLENCY THE PRESIDENT

The Speaker (Mr. Slade): Hon. Members, it is now His Excellency's pleasure to take his leave.

(Hon. Members rose in their places while His Excellency the President left the Chamber)

ADJOURNMENT

The Speaker (Mr. Slade): Hon. Members, the House is now adjourned until tomorrow, Friday, 20th June, at 9 a.m.

The House rose at Five o'clock.

Friday, 20th June 1969

The House met at Nine o'clock

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 277

FLOATING ISLANDS IN LAKE VICTORIA

Mr. Ondiek-Chillo asked the Minister of State, President's Office, if he would tell the House what action the Government had taken about the floating islands in Lake Victoria around the Kisumu area.

The Minister of State, President's Office (Mr. M. Koinange): Mr. Speaker, Sir, I beg to reply. The Municipality of Kisumu, in conjunction with the Railways administration, have made available K£2,000 for the project. One crane is already at Kisumu, and another one will soon be brought from Musoma. The work of the project is expected to be carried on in the near future. In view of this, Mr. Speaker, the hon. Member should rest assured that the Government will do all it can on this project.

Mr. Ondiek-Chillo: Arising from the answer and taking the words of the Minister, "will do", and yet the harbour and the outer port are already blocked by these floating islands, is it not necessary for the Government to take immediate action so that these floating islands are destroyed, not actually removed by crane because they will float to other places?

Mr. M. Koinange: Mr. Speaker, Sir, it is known as a fact that these floating islands are a real nuisance, and that is why this immediate action has been taken and the Government is definitely taking serious action on this.

Mr. Jamal: Mr. Speaker, Sir, is the Minister aware that both the Kisumu Municipal Council and Railway Administration have said that the blockage is so colossal that they will not be able to carry it out on their own, and the amount of £2,000 is inadequate; what response has this appeal from both the Railways and the Municipality received from the Government?

Mr. M. Koinange: Mr. Speaker, Sir, because of fact that the Government has entered into this subject, I believe the hon. Member should rest assured that in conjunction with the Railways, Municipality and the Government, that will be done.

Question No. 285

VACANT POST OF SENIOR CHIEF, MASAI

Mr. ole Lemein asked the Minister of State, President's Office, if he would tell the House when the vacant post of Senior Chief, created by the death of the late Masai prominent leader, Senior Chief Kundai ole Sangale, was going to be filled.

The Minister of State, President's Office (Mr. M. Koinange): Mr. Speaker, Sir, I beg to reply. The vacant post created by the untimely death of the late ex-Senior Chief Kundai ole Sangale will be filled as soon as possible.

Mr. ole Lemein: Mr. Speaker, Sir, while I appreciate the answer from the Minister, is the Minister aware that there are 12 sections of Masai in Narok District and the post of Senior Chief is the one which can bring good relationships to all those sections. Therefore, will he try to see that this post is filled this year?

Mr. M. Koinange: I cannot say this year, Mr. Speaker, Sir, but I can assure the hon. Member that the Provincial Commissioner is now looking into this subject and is searching for a suitable candidate for the post.

Question No. 230

AID FOR TEA GROWERS

Mr. Godia asked the Minister for Agriculture if he would tell the House, since very many tea growers were now experiencing financial hardship in the maintenance of the tea farms, would the Minister arrange loans for such farmers on the security of the tea already planted.

The Speaker (Mr. Slade): The Minister for Agriculture? We will leave that for a moment. Mr. Odero-Sar?

Question No. 272

NUMBER OF PATIENTS, UKWALA HEALTH CENTRE

Mr. Odero-Sar asked the Minister for Health if he would tell the House:—

(a) what was the daily attendance of patients at Ukwala Health Centre; and

(b) whether that number did not qualify it to become a cottage hospital.

The Speaker (Mr. Slade): The Minister for Health?

Next Question.

*Question No. 250*EDUCATION OF CIVIL SERVANTS' CHILDREN
WHEN TRANSFERRED

Mr. Mbai asked the Minister for Education if he would tell the House—

- (a) was the Minister aware of the difficulties which were being experienced by the civil servants when they were transferred in obtaining places for their children in schools; and
- (b) if the answer was yes, why had the Ministry not considered making special arrangements for their children on such occasions to avoid disruption to their education.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to give the following reply.

There are several boarding primary schools in this country where civil servants and other people may send their children and, consequently, I am not aware of the difficulties the hon. Member is referring to. If specific cases are known, by the hon. Member, I will give every assistance possible to ensure that the children concerned get places in schools.

Mr. Mbai: Mr. Speaker, Sir, arising from that reply, is the Assistant Minister not aware that if a civil servant is transferred today, and he has children in school, he has to take great pains to find places for his children where he is going to? What I am asking is, why does the Ministry not make special arrangements for such civil servants' children to be taken easily in schools where they are going to instead of him taking pains to find a place?

Mr. Mutiso: Mr. Speaker, Sir, as I said before, if the hon. Member has any specific case where by a certain civil servant could not obtain a place for his children after being transferred to another place, then this can be looked into, but we cannot judge hypothetical questions unless a Member can substantiate.

Question No. 230

AID FOR TEA GROWERS

The Speaker (Mr. Slade): Is there anyone prepared to answer Mr. Godia's Question from the Ministry of Agriculture? No.

Question No. 272

NUMBER OF PATIENTS, UKWALA HEALTH CENTRE

The Speaker (Mr. Slade): Is there anyone prepared to answer Mr. Odero-Sar's Question from the Ministry of Health? No.

Question No. 288

SELECTION DATE FOR FORM V PUPILS

The Speaker (Mr. Slade): Is there anybody authorized by Mr. Onsando to ask his Question. Mr. Onsando is here. Ask your Question.

Mr. Onsando asked the Minister for Education if he would tell the House—

- (a) why had the selection of School Certificate pupils for Form V, which had to take place on 11th and 12th of March, 1969, been abruptly put off; and
- (b) who had to meet the expenses of those secondary school headmasters who arrived and only learned from the notice which had been posted at the Polytechnic that the meeting had been postponed.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to give the following reply.

Regarding part (a) of the Question, the hon. Member is aware that examination results from the United Kingdom, were considerably delayed. We had hoped that everything would be ready by March 11th, but this did not prove to be the case. Thus, the Form V Selection meeting was postponed from 11th March to 14th March, 1969, owing to the fact that material to be used by Heads of Schools for purposes of selection was not ready by 11th March. The postponement was necessitated by the fact that the Ministry needed more time to analyse the results of the East African Certificate of Education examination which had arrived late from the United Kingdom.

Part (b), the expenses of the heads of schools who came to the selected meeting were met by the schools concerned.

Mr. Onsando: Mr. Speaker, Sir, arising from that reply, why was it found necessary to postpone this meeting by a senior office boy in the Polytechnic rather than by an announcement on the Voice of Kenya, which would have been much cheaper?

Mr. Mutiso: I do not see how the hon. Member reached this calculation that the posting on the notice board could be considered more expensive than broadcasting through the Voice of Kenya.

Mr. Makone: Mr. Speaker, Sir, there is something wrong with the Assistant Ministers. Now, the question is, the selection was called off twice, when the headmasters from Mombasa, from Kakamega, and so on, were already in Nairobi. Was it the headmasters who came on their own,

[Mr. Makone]

to make selection, or was it for the Minister to call them? How does it happen that the Minister was not ready when they were called up twice?

Mr. Mutiso: Mr. Speaker, Sir, I said earlier that we had hoped that these papers would have arrived in Kenya by 11th March from the United Kingdom, but this did not work out, and this is the reason why the postponement was carried out, so this was not the fault of the Ministry.

Mr. Makone: On a point of order, Mr. Speaker, the Assistant Minister is evading my question. Do I have to ask him to answer the question? The Assistant Minister is answering a different thing when I have asked him to be definite on the question. What can I do to make him answer the question?

The Speaker (Mr. Slade): I am afraid there is nothing an hon. Member can do in such circumstances except to ask further question or pursue the matter on adjournment.

Mr. Shikuku: Arising from that reply, Mr. Speaker, does the Assistant Minister not agree that it was on two occasions that these headmasters were called here, and if they were called here on two occasions, who paid for the expenses here, was it the Ministry of Education? Why were they called here twice? They can make a mistake once, not twice.

The Speaker (Mr. Slade): The schools concerned paid, he has already said that. Have you another question, Mr. Shikuku?

Mr. Shikuku: Yes, Sir. Will the Minister tell the House why they find it necessary to use the public's money for their own mistakes? The public's money has been spent and are we going to be reimbursed?

Mr. Mutiso: Mr. Speaker, Sir, the Ministry is a public institution and it has no other money than that of the public.

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

NOTICE OF MOTION FOR THE ADJOURNMENT

MATTER OF REPLY TO QUESTION No. 288:
SELECTION DATE OF FORM V PUPILS

Mr. Makone: Mr. Speaker, on a point of order, this is a matter of national importance and so I want to pursue it on a Motion for the Adjournment. You cannot do things like that.

The Speaker (Mr. Slade): You do not mean under Standing Order 20, but with the consent of the Questioner you would like to raise it on an adjournment.

Mr. Onsando: I have no objection, Sir.

Question No. 211

INFORMATION OFFICE FOR MERU

The Speaker (Mr. Slade): Mr. Thimangu-Kaunyangi? Is any hon. Member authorized by Mr. Thimangu-Kaunyangi to ask his question?

Mr. Godia, on behalf of Mr. Thimangu-Kaunyangi, asked the Minister for Information and Broadcasting if he would tell the House when the promised information office in Meru would be opened.

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Speaker, Sir, I beg to reply. I cannot give the hon. Member any date for the opening of the Meru information office at the moment, but I can assure the hon. Member that plans are under way towards the opening of the office.

Mr. Kathanga: Mr. Speaker, Sir, in view of that reply given by the Minister, is he not aware that Meru District is a very large district and they require their own information office?

Mr. Osogo: Mr. Speaker, I am aware of this. That is why I have allocated a lot of money to build an office in Meru, but I would further inform the hon. Member and say that the plans for the office have been drawn by the Ministry and given to the Ministry of Works for approval, and on their approval the work will start.

Mr. Mbogoh: Arising from that reply, Mr. Speaker, will the Minister inform the House whether he could post an information officer there first while he is waiting for the building of the office and the equipment?

Mr. Osogo: Mr. Speaker, if the hon. Member is prepared to house the information officer and transport him there I will do that.

Mr. Mbogoh: Mr. Speaker, arising from that reply, does the Minister imply that he has no Government transport to take the information officer there, and there is no district officer who can allocate a house for an information officer there immediately the work is done?

Mr. Osogo: Mr. Speaker, there is transport to send the information officer to the place, but there is no house for the information officer as the information officer requires a house, but it would greatly help if the hon. Member agrees that the information officer lives with him in his house.

Mr. arap Biy: On a point of order, Mr. Speaker, Sir, is the Minister not imputing improper motives on the hon. Questioner, when he says that the information officer should go and live with the Member when the Member lives at Embu, which is miles and miles away from Meru?

The Speaker (Mr. Slade): Where you find an improper motive I fail to understand.

We come back to Mr. Godia's question.

Question No. 230

AID FOR TEA GROWERS

Mr. Godia asked the Minister for Agriculture if he would tell the House that since very many tea growers were now experiencing financial hardship in the maintenance of the tea farms, would the Minister arrange loans for such farmers on the security of the tea already planted.

The Speaker (Mr. Slade): The Ministry of Agriculture is still not here. This is most unsatisfactory, but we will have to put it on the Order Paper on Tuesday, I am afraid, Mr. Godia.

Mr. Odero-Sar?

Question No. 272

NUMBER OF PATIENTS, UKWALA HEALTH CENTRE

Mr. Odero-Sar asked the Minister for Health if he would tell the House—

- (a) what was the daily attendance of patients at Ukwala Health Centre; and
- (b) did that number not qualify for a cottage hospital.

The Speaker (Mr. Slade): The Ministry of Health?

An hon. Member. No.

The Speaker (Mr. Slade): The same applies; Tuesday.

QUESTION BY PRIVATE NOTICE

REPORT ON AND EMPLOYMENT OF
CITY COUNCIL OFFICER

Mr. Obok: Mr. Speaker, Sir, I beg to ask the Minister for Local Government the following Question by Private Notice:—

- (a) Is the Minister aware that Nairobi City Councillors have rejected the recommendation by senior officials that an officer who confessed willingly to have defrauded the city council should be removed forthwith from his post?
- (b) If so, does he approve the retention of such an officer in public employment?

The Assistant Minister for Local Government (Mr. Njiri): Mr. Speaker, Sir, I beg to reply. (a) Yes, I am aware of this issue, but I am also aware of the fact that local authorities are

empowered by Local Government Regulations, to hire and fire their employees, other than the chief officers, within their terms and conditions of service.

(b) I have considered the step taken by the city council a fair one, whereby disciplinary action was taken on the officer in that he was demoted from the grade of Revenue Officer earning £1,715 per annum, to the grade of Accountant II, earning £1,670 per annum. Besides, Mr. Speaker, he was reprimanded. The degree of the offence in the circumstances did not warrant his dismissal or an inquiry by the Government into this matter.

NOTICES OF MOTIONS FOR THE
ADJOURNMENT

FREQUENT ENTRY OF *Nolle Prosequi* CASES

The Speaker (Mr. Slade): Hon. Members, with reference to matters to be raised on the adjournment next week: I have appointed the adjournment on Tuesday, 24th June, for Mr. Odinga to raise the matter of frequent entry of *nolle prosequi* on criminal cases. That will be conditional on our being able to interrupt business at 6.30 p.m.; we may have to carry on longer in order to get in a full day's debate on the Financial Statement, in which case I am afraid I will have to defer it to another day.

GRADUATED PERSONAL TAX EXEMPTION
CERTIFICATES

The Speaker (Mr. Slade): On Wednesday, 25th June, Mr. Cheboiwo will pursue his Question No. 186, concerning the issue of certificates for exemption from graduated personal tax.

POINT OF ORDER

PRIOR CIRCULATION OF FINANCIAL STATEMENT
AND PRESIDENTIAL ADDRESS

Mr. Seroney: On a point of order, Mr. Speaker, it has been customary in the past to make the Financial Statement and the Minister's speech available immediately we leave this House and I know that yesterday this was not done. In fact, recently, even the Presidential Address we never had copies of, and the public had copies before the Members of this House. Is this in order, and should the previous practice not be followed in every case as a courtesy to this House?

The Speaker (Mr. Slade): I quite agree with Mr. Seroney that that has been the practice as stated by him, and I also agree with the importance of this matter. I was not aware that Members had not received their copies at the usual time, and I must inquire into it.

PROCEDURAL MOTION

EXEMPTION FROM STANDING ORDERS: PRECEDENCE OF FINANCIAL STATEMENT DEBATE

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Speaker, Sir, I beg to move:—

THAT, the business appearing on today's Order Paper be exempted from the provisions of Standing Orders 137 (1) and 33 which give precedence to the debate on the Financial Statement.

Mr. Speaker, this is necessitated by requests from Members of the Sessional Committee that hon. Members needed some time to read the Financial Statement, which they think has been a good one, to be able to contribute to this debate on Tuesday next. Therefore, instead of starting the Financial Debate this morning, it decided that today be left for Private Members' Motions which appear on this Order Paper and that is why we are moving this Motion.

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

Mr. Godia: Mr. Speaker, I would like to second the Motion moved by the Minister. It is only fair that the Members of this House have sufficient time in which to study the Financial Estimates and speech delivered by the Minister yesterday. We have received copies of the speech this morning, and we have not had time to look at it.

Mr. Speaker, Sir, the hon. Seroney has already informed you that the practice which has usually been followed in this House—whereby the Financial Speech is delivered to Members immediately after the House has adjourned—was not used yesterday.

Mr. arap Biy: It is agreed. Don't waste time.

Mr. Godia: This being the case, Members will appreciate the time which has been allowed to them to study this speech in order to contribute to the debate on Tuesday.

Mr. Speaker, Sir, with these few words, I second the Motion.

(Question proposed)

Mr. Khaoya: Mr. Speaker, I stand to support, because we all know that Fridays have been kept solely for the business of hon. Members, so that we are able to inform the Government what we have in mind. I think it is only fair that we should support this Motion.

With this observation, I support wholeheartedly.

Mr. Mbogoh: Mr. Speaker, I beg to move that the Mover be called on to reply.

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

The Speaker (Mr. Slade): Do you wish to reply, Mr. Osogo?

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Speaker, I commend the Motion to the House.

(Question put and agreed to)

MOTION

GOVERNMENT ASSISTANCE TO NORTHERN KENYA RESIDENTS

THAT, in view of the fact that the people of Northern Kenya have suffered a great loss both at the hands of Government and those of shifta through the three years of the shifta menace, which made everybody in that area very poor, this House urges the Government—

- (a) to give the county council enough aid and grant, so that poor families could be remitted from tax-paying; and
- (b) to give free education to primary school scholars for a few years so as to decrease the families' burden.

(Mr. Wario on 13th June 1969)

(Resumption of debate interrupted on 13th June 1969)

The Speaker (Mr. Slade): Hon. Members, you will recall that we had started this debate of Mr. Wario's Motion. We had spent 32 minutes, which leaves us with 58 minutes for the rest of the debate. Mr. Ngei was speaking, but he is not here.

Any other Member wishing to speak on this Motion? Mr. Munoko.

An hon. Member: Are you replying?

The Assistant Minister for Local Government (Mr. Munoko): Mr. Speaker, I do not have to reply, because I did not move the Motion.

Mr. Speaker, I want to say a few things about this Motion which was raised by the hon. Wario. First of all, it is not quite clear, in the first part of the Motion, which says "to give the county council enough aid . . ." by way of grants, but he does not say which county council it is, and yet, in the first part of the Motion he is talking about Northern Kenya.

Mr. Speaker, he raises this point about giving grants to local authorities, and at the same time asks that once that is done the poor families should be remitted from the payment of graduated personal tax. I think this has been overtaken by events, in that the Minister for Finance yesterday gave all the people now paying Sh. 24 complete remission. Therefore, Mr. Speaker, this first part

[Mr. Munoko]

of the Motion does not now arise, because remissions are normally given to those people who are at present paying Sh. 24. Even if this had not been made clear by the Minister for Finance, there were ways in which these people could be given remission, which are contained in the graduated personal tax Act, but this now does not arise, and so the only question which the Member now raises is that of giving sufficient grant to the county council.

The amount of money which is normally made available to the Ministry of Local Government for paying grants is limited, and is based on the formula which has been agreed by this House, which is that the grants will vary directly with the population of the area, and inversely with the fiscal ability of any area to pay the taxes and other revenues which accrue to the various local authorities in the country. Therefore, we have a fairly limited amount of money which is based on that formula, and which is payable to the local authorities throughout the country.

Mr. Speaker, for the present year, as far as those county councils in the northern part of Kenya are concerned—and I take them to be Isiolo, Marsabit, Samburu, Turkana, Garissa, Mandera and Wajir—they are given as follows: for Isiolo it will be £33,916; Marsabit, £28,268; Samburu, £35,140; Turkana, £33,383; Garissa, £35,630; Mandera, £33,106; and Wajir £33,211. This, together with the other grants which are payable to other local authorities, brings the total amount of funds which the Government is giving by way of grants to local authorities to £3,564,353.

This amount can only be increased if the Treasury or the Government are able to lay their hands on any other funds which may be available and, at the present time, in the next Financial Year, we are likely to have a little more due to the amount of money which has been made available for the teachers' salaries plus other grants which comes to about £1 million, as hon. Members have already been able to see in their Estimates.

The hon. Member raises one other important point, and that is to give free education for primary schools. He says for a few years, it would decrease the families' burden in that area. It is true that the Government has the intention of providing universal primary education free, and also this is the wish of Kanu as a party. This can be seen from its Manifesto, and it is an aim which the party and the Government will continue to work towards until it is achieved. When we talk of free education or free anything, it really does not mean that that things, or whatever we are

going to do, will be free. Such things have to be paid for in a way which will not involve directly the person who benefits from it at that time. However, somebody has to pay and, in this case, if we were to provide free primary education, it really means that the rest of the people of this country must foot the bill collectively, so that individually the people, or the children of the people, can have it free. As we all know, Mr. Speaker, at this time, the country is not able to stand this burden. As hon. Members will recollect, only a few days ago the Minister for Education, in answer to a Question in this House, said that it would cost the country about £20 million recurrent expenditure and £14 million by way of capital development, and these are fairly large sums, and it will take time before this country can realize them. I know, Sir, that the per capital income is increasing in the country. We hope that when it rises sufficiently, that we will be able to meet this. At present, however, it is not quite feasible. Mr. Speaker, when the country is prepared for free primary education, it will have to be for the whole country. The Government will not and cannot agree to have some areas having free primary education while the others will not share the benefit. Mr. Speaker, the reason is that once we have free primary education in a particular area, there is likely to be an influx of people into such area in order to reap the benefit. It would not be in the best interest of this country to do that.

Members will recollect that, at one time, the City Council of Nairobi wished to go ahead with the programme of free primary education in Nairobi because they had the money. The Government had to say, "No", to that because it is not the right policy to follow.

So, Mr. Speaker, as far as this request for free primary education is concerned, even for one year in that area, the Government cannot accept it. So, Sir, I feel that this question has to be gone into quietly, and later on when the Government is ready, we will be able to embark on it but not in a piecemeal way, I am sorry to say.

Mr. Speaker, Sir, for the reasons which I have given, the Government rejects this Motion, and does not accept it.

Mr. Odinga: I am surprised, Mr. Speaker, Sir, to hear the Government reject this straightforward Motion. It is a Motion which should meet with everybody's sympathy in this House. This is because the Motion itself is self-explanatory and it tries to put forward the fact that this part of the country has lagged behind. Particularly, during the shifta menace there has been a halt in this particular area, as far as social development is

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concerned. If, therefore, these people bring in here a genuine appeal, that they should be considered and be given special consideration, I do not think that happened had been brought about by the people of the northern part of Kenya. You must know that it is only through history that these people found themselves, after a long time, being educated. During the time of the colonial régime they were given false promises which later on gave them some beliefs which resulted in the troubles which we have had in this particular area. I am sure that if people had come eye to eye to stop all these troubles which have cost us so much money, if only the money which has been wasted in this part of the world in trying to suppress shifta had been collected, we would see this money has not helped anybody. Now, is the time when we must put everything into full swing, using all the resources that are available and that are at our disposal, give these people a little quicker development so that they can catch up with the rest of the people of Kenya, and let them compare where they are in Kenya in the light development.

I am sure that if we did this, you will find that the future trouble which might come as a result of lack of knowledge and of unnecessary propaganda might be avoided. However, if the idea is only to give the county council enough aid and grants so that poor families may be remitted from tax payment, and to give free primary education to primary scholars for some few years so as to decrease the family burden, I do not think this is something which is according to the Assistant Minister for Local Government's argument. I quite agreed with him when he admitted that they have given grants to the local governments, but these grants are not adequate for the people who are on the ground. What they consider at the moment is not really enough to make any impression, or give them any impetus in development of that particular area. They said that it is very little compared with the magnitude of the problems which are to be solved.

They must also ask for free education, but if they ask for free education and in Kanu's policy they stated that they will give free education, why not start now? Why not start from there? Kanu said in its Manifesto that there would be free primary education at one time. If some people want this primary education and even if you were not prepared to do it for the whole country, why not start in this place? The children who will need free primary education in that area will not be so colossal in number that the country or the Government could not afford it.

There are so many things on which the Government decides to spend the money of the country which we disapprove of very much. If such money is switched, to start off free primary education to help these helpless children in the northern part of Kenya, it will be a gesture of friendship as we see it. These people who for a long time have been neglected, as not being a part and parcel of Kenya, those people who are living in the north and were made to believe that they were not part and parcel of Kenya and were excluded from Kenya for a long time, if they are assisted, they will come up, their confidence will be restored and you will find that they will immediately be loyal people of Kenya. Smooth development, smooth co-operation and co-existence which we need will be restored.

I say that the Government is very unwise indeed in rejecting a straightforward Motion like this; what does it mean? It will go to the world, it will go everywhere, and it will imply that the Government came out with a hammer and hit a very straightforward Motion instead of considering amending what they want. They simply said, "we reject". What is the Government really rejecting? Are they refusing to give the county council enough aid and grants so that poor families may be remitted from paying tax? Or are they rejecting, though without saying that they do not accept free education? Or what do they mean? Does it mean they do not want to do anything for education in this particular area that they reject further grants for this area? They will be proved to be very wrong. It will not at all appear to be nice. There should have been an amendment, an alternative to this. It should not be that the Government has rejected it. What have they rejected This is what I am asking, Mr. Speaker. You cannot reject such a straightforward case. He might have put it in a way which the Government thought they could not accept free primary education, but a certain measure of giving grants for free education in this area should have been agreed to. They should have suggested something, or come out and say, "this is what we are going to do in order to give some grants to these people". This would appear to be reasonable. But if this attitude is going to be taken by the Kanu Government as usual—because I saw yesterday that because the elections are coming they have begun to deceive the public—if this is the idea that you have no feeling for humanity, this would be very pitiful because we must actually be sincere with the masses. Especially, we must have mercy on those areas which were neglected by the colonial régime. To show that we are free, we must also help these people. We know that the colonial

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régime concentrated their efforts in some parts of the country and neglected other parts. We should now be able to concentrate on those parts which were neglected in order to bring them up. We should not compare and say that we will not give free primary education to that area because all the other areas will demand it too. Other places have had something.

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

The Minister for Natural Resources (Mr. Nyagah): Mr. Speaker, first of all, I would like to start by answering a question that has been put forward by the Leader of the Opposition. Why has the Government rejected this Motion? What the Government has rejected is really the insinuation and the tone that is contained in this Motion. Perhaps, a number of people here have not had an opportunity of visiting the area in question. They, therefore, tend to deduce from the Motion that nothing has been done. A lot has been done, Mr. Speaker. The working of the county councils and the working of the Government are complementary. Whereas grants have not been given to the satisfaction of a county council, as much in quantity as the county council would have liked, the Central Government on the other hand, has really done a lot to invest money for development of these areas. Perhaps it is not realized that at a very colossal figure the Kenya Government has built two secondary schools in the area without regarding the number of pupils in the primary schools to utilize them. Per square foot, the cost of putting up two secondary schools at Wajir and Marsabit has been very heavy. Not only that, Mr. Speaker, but recently it was announced that the *Harambee* school in the hon. Mover's constituency or area, Isiolo, is going to be included in the Government aid programme. These are the three schools that have come up during the time after the shifta menace.

Is it also realized, Sir, that as we sit here the Government has built a fully fledged hospital, with a doctor, at Marsabit? Is it also realized, Sir, that the Government, today, is spending a lot of money to open up the country for road transport? There is the Nairobi/Isiolo/Ethiopia Road to make the place accessible to the whole Kenya population. Is it also realized that a number of air strips, because of the nature of the country, have been put up—

Mr. Shikuku: On a point of order, Mr. Speaker, I do not wish to interrupt the hon. Minister but would it not be in order if he had some sticks—for the points he is making—to throw to the

Leader of the Opposition in accordance with the Afriean tradition?

The Minister for Natural Resources (Mr. Nyagah): Mr. Speaker, Sir, I am trying to make supplementary or complementary points of development by the Government towards the development of the area. As I said at the opening of my speech, both county councils and the Central Government work hand in hand. Whereas the money is not given to the county councils for their local development, the Central Government has given large sums of money, invested large sums of money in that area to open it up. We work in periods of development. Who knows what the next phase of the development will mean?

Mr. Speaker, Sir, as we stand and sit here today, the local county council of Marsabit is putting up county council offices and a chamber. I do not think that has happened before. Is this not improvement?

Water development, boreholes and research is vigorously being pursued in this area and, may I say that the Government has started a very large programme of livestock buying which cannot be denied. The hon. Member from Muddo Gashi area and Garba Tula knows this well, that this is meant to bring in money to the country, for the people. This money will continue pouring in for as long as the people work hard to maintain their livestock at good standard and produce them in large numbers. Money will go there as long as people are prepared to work hard.

Again, Mr. Speaker, it cannot be said that Government has forgotten the people. People who come under the jurisdiction of the county councils of this northern part of Kenya have been fully integrated into the Government's working machinery. It is not so long ago when we had from the hon. Member's own township a district commissioner. They were not left behind. Today, Sir, a District Commissioner for Kirinyaga comes from that area, and a number of district officers, too. Therefore, these people are being considered as good Kenya citizens, and being integrated into the development of the country.

Finally, Sir, to put the picture in its proper perspective, may I say that the churches are now working very hard in the area. A number of hospitals, clinics, schools, boarding primary schools have been opened in a number of places. Norkole, Marsabit and at a point between Isiolo and Archer's Post, all over the place the Government is very much alive to the need of the area. I can assure the hon. Member that although the Motion has been rejected in its present form, the

[The Minister for Natural Resources]

Government is fully prepared and is going full ahead, full speed to develop that area. We will never forget that area.

With these remarks, Mr. Speaker, I beg to reject the Motion as it is here.

Mr. Shikuku: Mr. Speaker, the hon. Mover of this Motion is a good and personal friend. Not only that, I am one of the people who is always conscious of the fact that people need development, particularly the small man.

I would like to submit that it is quite true that this area in the past was neglected. Even during the pre-shifta days, it was neglected, not given good attention. However, after the shifta days, I can say very, very clearly here, taking into account also what the hon. Minister has just said, that that part of the country has received more aid from this Government than even Butere. These are facts, and when the hon. Minister was replying to the hon. Leader of the Opposition, surely I would have liked him to have had a bundle of sticks with him. According to African tradition, Mr. Speaker, when you have facts like the ones the Minister was dishing out, he would say, "Is it not true that this and that is being done? If what I am saying is not true, there is the stick", and he should have thrown a lot of sticks to hon. Rapondi and he would not be able to reply to any of them at all. It is quite all right to talk in terms of gingering; the Leader of the Opposition has done his job by making the whole picture very black, thereby trying to get some credit to himself. However, this is not the time for that because we are not fighting the imperialists at all; we are fighting facts. Hon. Rapondi is wrong and he has to be proved he is wrong, and this is not just to let him down. If he has done something good we say that Rapondi has done something good. However, this attitude by the hon. Rapondi to try and blackmail, to try and paint a very black picture of the whole situation just for the sake of politics, that is terribly wrong. Politics is long behind us. What we should talk about is development. Is it not true what the Minister has been saying, that this takes place in the area concerned? It is true, and we can go there and prove it is true.

Mr. Speaker, there are a lot of other parts besides the area in question which now need development. There are some parts of the country where there are no hospitals, no hospitals being built, where there are no health clinics being put up. Take Busia, for example, which is such a big district, and yet these things are not to be found there. There is a big population there, but

you find nothing there. We are not being told that there is going to be built a hospital in that area, but that is just a story. We are told that in Broderick Falls there is going to be a paper factory. That has been the sing-song since we came to this National Assembly but nothing has been done about that. However, Sir, where the Government has done some things which we can see, physically there, then we must accept that as something being done. The hon. Member, in the course of the Minister's speech—I was watching him—was nodding his head in agreement with what the Minister was saying. In other words, Sir, he never challenged anything the Minister said as not being true. This means that he agreed that whatever the Minister said was, in fact, being done and he was conscious of it.

Mr. Speaker, I do not think the Member who moved this Motion can be blamed because this Motion was tabled in 1966. That was a long time ago and this Motion would have been very much in order at that time, but in view of the fact that some development has now taken place in the area, I am sure the hon. Member will not take it too badly if the Motion is rejected. It has been overtaken by events. It is not that the Motion is being defeated in bad faith but in good faith because it has been overtaken by events. A lot of things have happened since that time. I see hon. Rapondi shaking his head, but the hon. Member is well aware of what is happening. I am sure he is not the type of Member who would like to tell a lot of untruths in this House; on the contrary, I am sure he is a Member who is prepared to accept facts. In relation to the hon. Rapondi shaking his head, we know very well that he is in the Opposition and he must cash in on anything he feels can promote his party. I am sorry for him because he might as well be shedding crocodile tears in this case.

Having said that to hon. Rapondi—

The Speaker (Mr. Slade): Order! I am sure the hon. Member prefers to be referred to by his more common name of Odinga. It is our practice to refer to hon. Members by the name of their own choice.

Mr. Shikuku: I am sorry, then, but I remember one day he said he was sometimes referred to as "Double O" and he should also be referred to as "Double O", Raila Rapondi, if that is so.

The Speaker (Mr. Slade): When it comes to addressing Members of this House, we use the names that they ask us to use.

Mr. Shikuku: Thank you Mr. Speaker, Sir. Having accepted your ruling Sir, I will call him hon. Oginga Odinga or "Double O". Now, Sir, I am sure that I was not of the opinion—

The Speaker (Mr. Slade): You are starting to disregard my ruling Mr. Shikuku; I do not like this rather flippant response. As you say, Mr. Oginga Odinga is the name he has chosen and I have not heard him say he would like to be called "Double O".

Mr. Shikuku: Thank you Mr. Speaker, hon. Oginga Odinga.

Now, Sir, why I was prompted to speak on this Motion, as I said before is because of the allegations made by the hon. Oginga Odinga and also the facts placed before the House by the Minister for Natural Resources who has a full knowledge of the area. Some of us may talk about it. Because it is a long time since I was there last, in 1964, I would not therefore claim that I am very clear about the development there. In view of the fact that the Minister himself, who is frequently in the area, is sure of the facts he has stated—the Member was not challenging him because he was nodding his head in agreement—I am sure he will agree with me that the Motion, having been kept too long, has been overtaken by events. It is in this spirit that the Government is not going to accept this Motion. Any day the Member feels that the Government is dilly-dallying and dragging its feet on development in the area, I am sure he is one of those Members who will be coming back next year and I will be here to help him push the Government if I will be here too, but I have the hope of being here. I hope I am not hoping against hope.

Mr. Kanani: Are you sure?

Mr. Shikuku: No one is ever sure in politics for the information of the Member for Busia Central.

Mr. Speaker, with this in mind, we are asking the hon. Member to accept the Government's—

Mr. Odinga: On a point of order, Mr. Speaker, Sir, I would like to get your ruling on this; the fact that the Member is putting it that this Motion was introduced somehow in 1966, and since we are debating the Motion now and the introducer of this Motion had all the time—if he wanted to withdraw the Motion—to withdraw it, and the fact that he brought it, is it not a fact that the Motion is fully in order and that it should be discussed at this time?

The Speaker (Mr. Slade): Oh, yes, there is no doubt that the Motion is in order. Even if the hon. Member gave notice originally so long ago, it is quite in order for him to pursue it still, having given fresh notice at the start of this session. I think what Mr. Shikuku is saying is that there is not so much justification for having it now as there was when the notice was first handed in.

Mr. Shikuku: That is what I am saying Mr. Speaker; I am saying that it is not out of order, it is definitely in order because you renewed it during the new session and you have been doing so since 1966. I am quite sure about it, but now things have been overtaken by events. That is all I am saying; I am not saying that it is out of order. With these remarks, I beg to ask the hon. Member to agree with the Government and also to push it in future if he feels that the Government is not doing anything, but the rejection is not in bad faith, it is in good faith.

The Speaker (Mr. Slade): Any hon. Member wishing to speak? I will call on the Mover to reply.

Mr. Wario: Thank you very much, Mr. Speaker. In fact, when I moved this Motion the other day, I never thought that the Government could come out as it did today to reject the Motion outright.

Mr. Speaker, Sir, I cannot say that this Motion is wrong; it has been here since 1966, but, Sir, it does not mean that what is there in paragraphs (a) and (b) of this Motion is not needed. Mr. Speaker, this is the time—especially now that things have cooled down—when these things and actually even this particular Motion, ought to come. Even if this Motion was there in 1966, the shifta activities continued. Even if the Government wanted to do something in that particular area it would not have done—even if it wanted to give more grants and the rest of it—at that particular time. However, this year, 1969, when the shifta activities are all gone, it now remains for the Government to do something for the people of that area.

Mr. Speaker, this Motion is only asking for sympathy. I do not reject or object that the Government has done something for that area; it has done something yes. It has built roads, it has built hospitals and schools and all these are acceptable to me and anybody living in that area even today. However, one thing where we need the Government's sympathy is this: now we have schools and, in fact, the number of schools in that area has tripled—this I agree that it is there and hospitals the same—but because this number has tripled, the number of the peoples there is quite large. Now, we know very well that we have lost everything to the shifta and, as I have said previously, to the Government. Now we have no money. How do you expect schools with no pupils at all? What schools are those? If I sent my child to school and he does not pay fees just because his father does not have money, then, he will not learn anything because the *mwalimu* will sack him. This is well known even to the

[Mr. Wario]

hon. Mr. Nyagah because he was once a *mwilimu* and he knows that unless someone pays fees, he cannot stay in school.

This is where I ask the Government to give us, at least, free primary education in schools because our people cannot educate their children. The nation cannot be fully educated at any one time unless the entire nation has the same privileges and facilities of educating their people. Even at the beginning, when we used to say that those particular areas were lagging behind, it was entirely meant that they were lagging behind in education. In fact, it would look as if we were again going back to the same stage of lagging behind when we had trouble with the shiftas; we are going back to the same stage of lagging behind because you will never move forward unless you have education. Without education, you will not find anybody from that area being efficient. One hon. Member said that we were producing district commissioners but these ones are educated people, they are educated yes, and as educated men like any other Kenyan, they are bound to have their chance. He can be the biggest man in Kenya because he is educated. However, when the situation is such, then education is really refused. I remember in colonial times, during 1948 and the rest of it, our people said: "We do not want you, we do not want schools, no teachers, no local councils and the whole lot of it". Now this time again since we have got our Government they have the county council for which today, I have the responsibility to ask for more grants and aid.

As far as education is concerned, it is the same education we were rejecting in 1948. We have agreed to push ourselves forward in even secondary schools, as the hon. Member has said, for example, in Isiolo, which is in fact one of the best *Harambee* secondary schools in the country. We have built this one from our own resources.

The Government has helped—this I have no doubt because it has helped all the similar types of schools in the country—and the Government has got its own part to play and we people our own, but our side is the one which I said that we have done it out of our own resources. This means, even an old mother who had a ten cent piece, we had to get that one away from her and then see to it that we had the school.

An hon. Member: In the spirit of *Harambee*.

Mr. Wario: In the spirit of *Harambee* yes, thank you.

Mr. Speaker, Sir, although the Government has rejected this part of the Motion, that is, giving the County Council enough aid and grants

to remit these families from paying, I agree with the Assistant Minister for Local Government in part (a) of the Question. This does not arise especially as far as tax paying is concerned because we were lucky with the hon. Gichuru's Financial Statement yesterday, in which these people paying Sh. 24 will never pay. I am sure that this will benefit over 95 per cent of my area because they are all paying that, except me and maybe two others who are in that particular constituency. I therefore have no complaint about tax remittance, because it has already been done by the Government through the Financial Statement yesterday.

Mr. Speaker, Sir, the Assistant Minister has said that he is giving enough aid and grants to this County Council. Mr. Speaker, when I went home last weekend I learned from the County Council of Isiolo that they have received £33,000 which means Sh. 660,000. As far as truth is concerned, Mr. Speaker, Sir, the Assistant Minister for Local Government knows very well this County Council did not receive the grant for 1967 and if you include that of 1967 in with that of 1968, it will be something like Sh. 800,000 or nearly a million shillings. If we are poor—as the Assistant Minister knows that we are because he has at one time gone there—we cannot continue and even the County Council cannot pay the salaries of teachers and the rest of them. The Assistant Minister for Local Government, the Ministry, should therefore consider giving us the rest of the money that has remained which is half of our share for the year 1968/69, that is Sh. 800,000 instead of the present Sh. 660,000. I think the County Council is making an application very soon so as to get the entire share. If the Government had given them their share in the year 1968, then there would have not been any complaint as far as this is concerned. The amount of Sh. 660,000 is only for the year 1969 and, therefore, we still need the amount for the year 1968, which is over Sh. 400,000. I think the Government will agree to this delegation we are making and if this amount of Sh. 660,000 is increased to a million, then we shall have achieved the aim of having enough aid and grants.

Mr. Speaker, Sir, I beg to move.

(Question put and negatived)

MOTION

RAISING NAKURU MUNICIPALITY TO CITY STATUS

The Speaker (Mr. Slade): Mr. Mwithaga, I understand quite correctly that you wish to amend your Motion slightly. I had myself noticed that it is not quite in order as it stands, because it is

[The Speaker]

not possible for this House to resolve that a local authority should be raised to the status of a City. That is beyond our power. You have also seen that, and I think you want to put in after the word “resolves”, in the last line but one, the words “to recommend”. That is in order.

Mr. Mwithaga: Mr. Speaker, Sir, I beg to move the following Motion:—

THAT, since Kenya has only one town enjoying the status of City, and in view of the fact that the town of Nakuru has grown both in industry, population, and thus importance; and since further this town is the home and granary of the most important sector of our economy, namely, agricultural industry, this House resolves to recommend that Nakuru Municipality be raised to the status of a City.

Mr. Speaker, Sir, in fact, I do not see how the Government will not see reason in the following points that I wish to advance since the Motion only seeks to recommend. In fact, the House will agree with me that we all understand the question of raising the status of towns is a prerogative of His Excellency the President. This House can only resolve to recommend, so that the Ministry of Local Government can take that resolution of recommendation to His Excellency the President who normally, and usually, and, in fact, at all times, heeds the feelings of the Members of this House, and therefore believing that he will not overlook those feelings.

Mr. Speaker, Sir, to begin with, the Motion itself is self-explanatory. During the colonial régime, the British decided to build Nakuru to be the second city in the country, and I remember the words of Mr. Havelock, the then Minister for Local Government—when the present hon. Minister for Local Government was nowhere to be heard of at that time—when he announced that Nakuru was going to be built into a second city of the country for various reasons. One of the reasons was that it was becoming the home of the agricultural economy and, at that time, we all remember that the agricultural economy was centred on the area known as the White Highlands. In fact, Mr. Speaker, Sir, the railway station of this town, at that time, was built with one purpose: to start building the town into a better and bigger town in the whole of East Africa. Our railway station, Mr. Speaker, Sir, then, and until now, is the best in the whole of East Africa. Mr. Speaker, Sir, I am trying to show why the British thought that this town was going to be a very important town.

Now, Mr. Speaker, Sir, there are factors which are taken into consideration, in Local Government system, before a town can be raised either to the status of a municipality or the status of a city. Mr. Speaker, our town, was once a municipal board. Now, when it became a municipal council—it is over 15 years ago—it became a municipality with full autonomy. Mr. Speaker, Sir, one of the factors which should decide whether Nakuru can be a city or not, is the rateable value which is the highest in the whole of East Africa. Mr. Speaker, Sir, our rate was 5½ per cent only two years ago. Now we tried to come down to 4½ per cent so as to try and reduce the burden on the rate-payers. However, Mr. Speaker, Sir, even at 4½ per cent, the rate is still the higher in the whole of East Africa. In fact, the rate in the city council is 3½ per cent and they have been reducing it to two per cent; they are in the process of doing that. Mr. Speaker, Sir, the rateable value is one of the most important factors that is considered. Now, if we can have the whole of East Africa, as far as the rates are concerned, then there is an assurance of resources by virtue of the high rate that we are charging.

Not only that, Mr. Speaker, Sir, the question of industries, is another factor. In fact, Mr. Speaker, we have some industries which were built during the colonial régime. Now, a factory that was going to be built in Ghana, was brought to Nakuru; you can imagine shifting from Accra to Nakuru. How important is this town? Mr. Speaker, this is the Union Carbide and, in fact, it is the only factory in the whole of Africa of its kind, manufacturing batteries and torch-cells. This factory is a very scientific factory. It is being enlarged to the extent of occupying nine acres, which means that it is going to increase the volume of production and, in increasing the volume of production, cater for more workers, and, in fact, Mr. Speaker, Sir, this alone, brings in more revenue in the form of taxation. Now, Sir, I will come to size. That shows that Nakuru has got a consideration from international circles to be able to be given an industry being shifted from Accra and instead of going to Accra, comes to Nakuru; this is of prime importance.

Now, Mr. Speaker, Sir, the other industry, is the pyrethrum industry, and it is the whole of the pyrethrum industry. How much is Kenya gaining from the pyrethrum industry?

The Minister for Co-operatives and Social Services (Mr. Ngala): So what?

Mr. Mwithaga: In fact, Mr. Speaker, Sir, hon. Ngala asks, “So what?” It is the home of the pyrethrum industry. Mr. Speaker, you will agree

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with me—you have been a farmer for a long time—that the pyrethrum industry in fact gives Kenya a very high income. In fact, it is the first, and in the whole world, I think the headquarters of pyrethrum, apart from New York, are in Nakuru. Mr. Speaker, the fact that pyrethrum is not grown in the town, is no excuse because the growers of that pyrethrum must have a place like a town for processing the pyrethrum and for their operations in accountancy and other cares which must be done in a given centre, and that is a town where offices are built.

Now, Mr. Speaker, the agricultural industry of the country is actually the matter of our economy, the matter of the society; the agricultural economy. Now, our province, in fact, feeds almost the whole nation. If our farmers in the province stopped a little while, just halted a little bit, the whole country would shake; all the stomachs of these gentlemen who are now facing me with a lot of laughter will go down. Now, Mr. Speaker, Sir, I do not normally feed much because I want to live long.

Mr. Speaker, the farmers in that area who use this town for most of their operations, need a word of thanks from the Ministry by recognizing that their capital, is an important capital for them, and they have been waiting for that thank you, but they have never got it. Now, if the capital is not important, why has the Republic seen fit to take out Heads of States almost everytime they come? They cannot go to Mombasa because it is too far and, in fact, there is nothing very new—there is an international harbour and they have seen harbours everywhere—but they want to see the agricultural economy which has now been transferred from the white man to the black man. Mr. Speaker, those Heads of States at one time, were made to believe that the African could not farm well so now they have to come to Nakuru to see the change in effect.

Mr. Speaker, the flamingoes are also another factor. It is the second largest sactuary of the flamingoes in the world; there is nothing small in Nakuru. Now, Mr. Speaker, the agricultural industry, is a factor that must be treated with a bit of recognition and therefore the home of that agricultural economy is our town.

Now, Mr. Speaker, Sir, the Minister will agree with me that the population of Nakuru has grown to an incredible size. This population growth is another factor which must be taken into account, and which is normally taken into account. I have been to some cities overseas: I have been to Europe, I have been to the East, and I have seen

towns called cities, or which are enjoying the status of cities, having a population of 28,000 people and the Minister will agree with me that this is so. Some have 28,000 people, 30,000 people, and they enjoy the status of cities, with the mayors and all that autonomy. Now, Mr. Speaker, here we seem to be going slow, just because the Minister of Co-operatives and Social Services, intends Mombasa to become a city first. I do not want to drag the issue of Nakuru in this whole scramble for which town should become a city first? The population of Nakuru, as registered, has been estimated at 43,000. This was from the old population census and today, Mr. Speaker, Sir, I would bet with anybody, who would not agree with me that Nakuru has a population of 80,000 people.

The demand for housing space, Mr. Speaker, is an indication of what kind of population we have got. People refused to register themselves when a census was being carried out some years back, because—Mr. Speaker, Sir, let us be honest—they thought that we had not reached the time of independence and they knew, in the years back, that if they were known to be of this and that number, some of them would be repatriated, and others might have other things done to them. For political reasons, people did not register themselves.

Mr. Speaker, Sir, I know the Minister will come out and tell me “let us wait for the census”. That could be the usual, expected approach—let us wait for the census—but the census is being considered right now and, if people agree to be registered, it will prove that we have roughly 80,000 people. 80,000 people in a town like that one with such a small area of operation, is really a credit to the Municipality of Nakuru.

Now, Mr. Speaker, Sir, the size of a town itself does not need consideration. However, what the council gives out, the resources and the contribution the council give towards the building of this country, are the factors which I think are important. I asked a question in this House one time: whether the Minister for Lands could acquire compulsorily some land around Nakuru. From (Inaudible.) farm, to Lanet and Menengai Railway Station, (Inaudible.) Estate and the whole of the southern zone around Lake Nakuru, so that all that land can be given to the municipality to allow space for expansion. Mr. Speaker, Sir, this question was dealt with very lightly, and the Minister for Local Government answered my question and said that there was going to be a review of the sizes of towns and that something was being thought of

[Mr. Mwithaga]

That something has never been thought of because it has never materialized. Now the size, Mr. Speaker, Sir, to me is immaterial. However, if it is immaterial, then who is to blame? The Government has the right of acquiring land. We have demanded for more land to be given to Nakuru Municipality for expansion and for industry.

When we set up the Union Carbide industry, Mr. Speaker, Sir, we did so in a residential area. In fact, the Town Planning Adviser, had almost refused because it was a residential area. However, we had to convert that given area—a piece of land of nine acres—into a factory and industry land although it was supposed to be a residential area because there was no land for industry. Mr. Speaker, the land issue is another matter to be considered by the Minister and I am sure that when we are given the status of a city all that land around the town which I have mentioned, including Lanet Estate, Bunjoro Farm Sisal Estate, and Menengai Hill, will be given to us. This should be quite easy.

Now, Mr. Speaker, if these areas are included in the town, of course, we will have our rates going up by another half per cent and this is a service to the nation. In fact, the Municipality has been very independent and has not been bothering Government with a lot of deficits, and has not suffered any financial blow. The Minister will agree with me also that our financial position is second in stability to that of Nairobi City and this is well known to the Government. Our financial position has been terribly smooth and has been very static, and this alone is a factor to indicate how responsible our council is.

The Assistant Minister for Local Government (Mr. Munoko): What about the sports stadium?

Mr. Mwithaga: Mr. Speaker, for the information of the hon. Minister, our stadium is the best stadium in the whole of East Africa; it is only now that Nairobi is trying to build a stadium. It is the best in the whole of East Africa; everything we have got is either the best in the world, second-best in the world, best in East Africa or even best in Africa. Therefore, the question of size of the land does not arise and I am not concerned with it.

Mr. Speaker, Sir, the tourists have used Nakuru and in that way giving Kenya a lot of revenue. They have used Nakuru so much that if you go around the towns of the world you will hear them say, "What about Nakuru, the beautiful town of flamingoes that we hear of?" I have heard people say this in the Far East, Europe,

everywhere; it is self-advertised. Lake Nakuru, which is now a national park, has got a sanctuary for flamingoes which is a source of revenue as far as tourism is concerned.

The Assistant Minister for Local Government (Mr. Munoko): These are not animals.

Mr. Mwithaga: If there were animals, we would ask the Minister to help us.

Therefore, Mr. Speaker, Sir, the importance I am referring to is real in that the Government has already found it fit to bring Heads of State to see the growth of Nakuru, to see the development of the agricultural economy around us, and to see the political stability, peace and unity of our people—which they have enjoyed—and to see the flamingoes. The Head of this Republic, the President, has used the Nakuru National Park as his lunching place every time he has come to Nakuru. Ministers have been brought by the President to see this because they never bother individually to go there. We have built a State Lodge now, which indicates also the importance of Nakuru and that it is growing important. We have a State Lodge which was never there; the Lake Nakuru National Park which was never there; Menengai Crater which was—

The Minister for Co-operatives and Social Services (Mr. Ngala): On a point of order, Mr. Speaker, is the Member in order in alleging that Ministers never bother to visit Nakuru on their own, while we, individually as Ministers, visit Nakuru so often?

The Speaker (Mr. Slade): It is all right, you have corrected him on his facts.

Mr. Mwithaga: Mr. Speaker, Sir, he has corrected nothing. I said they have never gone on their own to Lake Nakuru National Park. They only started going with the President when he was moving there, and we all went together. If they want the credit for bringing the President, they they can have it.

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

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

Mr. Deputy Speaker, Sir, I do not want to dwell very much on this. We appreciate that a lot of industries have been built in Nakuru. There are several firms which have applied to come and set up industries, but the only problem is that of land. I have said here that it is an issue which the Government will have to consider. If we are to set these up we must have more autonomy and more land given to us so that we have more room and more scope for expansion.

[Mr. Mwithaga]

Mr. Deputy Speaker, Sir, Mombasa has a lot more population, but what is their financial position? What is their revenue there? It cannot compare with our revenue. Kisumu cannot compare with our revenue. Despite the fact that these towns are large, and the fact that they have more population than ourselves, the financial position of Nakuru is a factor which justifies its being considered before other towns or local authorities are considered.

Therefore, Sir, since we have so contributed financially, towards the building of the Republic, and we have so contributed towards the expansion of our agricultural economy, for which we cater in our town, we have also been contributing towards creating a better image for Kenya by getting these Heads of State to come to Nakuru, and then I believe our resolution here to recommend that this town should become a city, will be accepted by the Government with a bit of humility.

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

The Deputy Speaker (Dr. De Souza): Who is seconding your Motion?

Hon. Members: No one.

The Deputy Speaker (Dr. De Souza): Order! Is there anyone who is wishing to second the Motion?

Mr. Godia: Mr. Deputy Speaker, Sir—

Hon. Members: What does he know about it?

Mr. Godia: —I would like to congratulate the Member for Nakuru Town for putting his case so well to the House.

Mr. Mbogoh: Mr. Deputy Speaker, is the hon. Member right to second the Motion when he has not been asked by the Mover to second and the Mover says that he wants Mr. Shikuku to second, and this is not Mr. Shikuku at all?

The Deputy Speaker (Dr. De Souza): I think we know the answer to that. Carry on, Mr. Godia.

Mr. Godia: Mr. Deputy Speaker, Sir, this being a House where each Member is supposed to contribute to any Motion which is brought before the House, there is no reason why hon. Mbogoh should challenge my standing to speak on this Motion. I feel that this is an important Motion and therefore I have the right to express my views accordingly.

Mr. Deputy Speaker, Sir, I would like to congratulate the Mover of this Motion for the manner in which he has put his case very ably to the House. It is a fact that the people of Nakuru wish to see their municipality promoted

to the status of a city. They feel that they will be privileged to live in a city just like we here in Nairobi. I think that it is only fair that we give consideration to this Motion and that the House should agree to the request.

Mr. Deputy Speaker, Nakuru has grown very greatly mainly due to the influence of farmers. It cannot be denied that Nakuru Town has been established due to the hard work and due to what was produced by the original settlers and now the other farmers—our own African farmers—in that place. These have done very much in contribution towards the growth of the Municipality of Nakuru. This being the case, I think the people are right in requesting that the status of their town should be raised.

Mr. Deputy Speaker, Sir, the question of the extension of the boundaries of Nakuru would be a matter for the people of Nakuru and the Government to consider; they will definitely need more land for expansion and other facilities for development. This being the case, Sir, it would not be a problem because the people have decided to offer their *shambas* for the development of the municipality so that it may become a city.

Mr. Deputy Speaker, this being the second town—the first was Nairobi—to require promotion, I have no doubt that the other cities like Mombasa and Kisumu will do likewise. However, this being the first one, and the people of Nakuru being the first to put their case forward, I think that it is time that this House considered their case.

Since the Mover has put his case very clearly to the House, I beg to support.

(Question proposed)

Mr. Mwithaga: On a point of order, Mr. Deputy Speaker, I think the words you have read have already been amended, and the Speaker pointed this out.

The Deputy Speaker (Dr. De Souza): Yes, I amended it. Mr. Osogo. Are you the Government responder?

The Minister for Information and Broadcasting (Mr. Osogo): No, Sir.

Mr. Deputy Speaker, Sir, much as I sympathize with the hon. Member for Nakuru Town who has brought this Motion, I see no other way but to tell him that the Government is going to reject it. This is because the reasons given here, for the town to be altered to a city, are very flimsy indeed, and also, the raising of the status of any town to that of city is the prerogative of His Excellency the President, and if this Motion were passed we would tie the hands of His Excellency the President in deciding otherwise. We are not

[The Minister for Information and Broadcasting] prepared, as a Government, to tie the hands of His Excellency the President by accepting this Motion.

Now, I said that the reasons were flimsy, Mr. Deputy Speaker, because we were told here—

An hon. Member: When did you see his Excellency last?

The Minister for Information and Broadcasting (Mr. Osogo): I have seen the President this morning.

Mr. Mwithaga: About it?

The Minister for Information and Broadcasting (Mr. Osogo): About it, yes.

Mr. Mwithaga: What did he say?

The Minister for Information and Broadcasting (Mr. Osogo): He told me to reject it.

Mr. Mwithaga: Mr. Deputy Speaker, would I be in order to request the Minister to give us evidence by substantiation that he actually spoke to the President on this Motion this morning?

The Deputy Speaker (Dr. De Souza): No, I am afraid it is not really necessary for him to tell us this. In any case, he says this happened to him personally, he is stating what was told to him personally, and that is evidence. The evidence he is giving is his own experience of his own conversation this morning.

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Deputy Speaker, I was carried away by the interjections of an hon. Member on the Back Bench who keeps on interrupting me, and I am just answering him at random.

Let me come to my main speech. I said that the reasons given in this Motion were flimsy. We were told that the town has grown in industry. This is a bit questionable, if it has grown more than any other town which is not a city now as far as industry is concerned. I would say that Mombasa has grown in industry more than Nakuru.

Hon. Members: No, no.

The Minister for Information and Broadcasting (Mr. Osogo): It has, and anyway if Nakuru has grown in industry by establishing processing plants for agricultural produce, then the only comment I can make is that the town is very lucky to have grown in industry.

We were also told that the town has grown in population. I would like to tell the hon. Member that he did not do his homework. The figures we have show that in population, there are other towns of smaller status than Nakuru which are more populated than Nakuru. Thika is one, and Mombasa is another; so the question of this town

having a growing population being the reason for asking this House to recommend that the town be made a city does not seem to be logical at all.

We were also told that there are flamingoes there. The fact on its own, that there are flamingoes on Lake Nakuru, does not make the town sufficiently important to warrant changing it from a town to a city. There may be flamingoes there, and if the hon. Member wants to hatch more in the area, he is welcome to do so. He had better ask the Minister for Tourism to help him in producing more flamingoes, and ask the Minister for Agriculture to teach him how to eat flamingoes.

The last point he made, Mr. Deputy Speaker, was that this town is part of the most important sector of our economy, and that it is an agricultural town. That is a good reason, but he should not forget that a town such as Mombasa is the gateway to our country, and that in itself would be a more important factor to warrant His Excellency the President considering Mombasa for city status.

Therefore, Mr. Deputy Speaker, much as we sympathize with this Motion, when the Mover spoke we found hardly any substance, in the reasons he gave, to warrant this House recommending to His Excellency the President that the status of Nakuru be raised.

With these few words, Mr. Deputy Speaker, I beg to oppose the Motion, for the reason that we do not want to tie the hands of His Excellency the President in recommending that any town in the Republic should become a city. If we passed this, we would be tying his hands.

With these few remarks, I beg to oppose.

Mr. Mate: Mr. Deputy Speaker, Sir, while supporting my friend, the Member for Nakuru Town, on his Motion, there is something I would like to find out from the Government, as a matter of principle. Nairobi is a city, and it was made a city during the colonial times, I believe by the Queen of England. I think the matter of promoting our bigger towns is a very important one for the Government to think of, and that is why I feel the Motion of the Member for Nakuru Town has a very important aspect as far as principles and the creation of cities are concerned.

We have towns like Mombasa, Kisumu, Nakuru, Embu, Kitale—

An hon. Member: Meru.

Mr. Mate: —which for some peculiar reason might desire to be promoted to a higher status, which would show the difference between towns and cities. For example, Mombasa is a harbour, that is why it is important. It is on the sea. Nakuru

[Mr. Mate]

Town is in a farming area, and we cannot expect Nakuru to have the same facilities which Nairobi offers, Nairobi being the capital. Being the capital, Nairobi has peculiar qualities suitable for a capital. If you take another town, for example Kisumu, it is a port on Lake Victoria, and has to be considered as such. Therefore, we cannot think of Rudolf or Moyale in the same way as we think of towns like Machakos.

As a matter of merit and principle, I would like the Government to think again and see whether, during *Jamhuri* Day or New Year's Day, or something like that, we could not consider other towns for promotion. There are a few towns which compete favourably. Mombasa is one, Kisumu and Nakuru naturally. Therefore, I feel, Mr. Deputy Speaker, that the Minister for Information, rather than just brushing aside the whole question, should realize that the Member for Nakuru Town is trying to bring out a principle and an idea which may be forgotten in due course. I appeal to Government to think again about these things, and remember that they also have honours for individuals who have done good jobs. They become Elders of the Order of the Golden Heart or Elders of the Burning Spear—so, as far as towns are concerned, even Embu might one day qualify. It is the capital of Eastern Province.

Therefore, Mr. Deputy Speaker, as a matter of principle, I feel the reason which would make Nakuru Town a city would be agricultural. Mombasa is a harbour, and similarly Kisumu, I think Government should think along these lines, rather than just brush aside the Motion, when the Member for Nakuru is thinking deeply and logically, and is putting up a very good idea to the House.

Mr. Speaker, I beg to support.

Mr. Bala: Thank you, Mr. Deputy Speaker, for giving me this opportunity to say a few words on this Motion. The intention of the Motion is not all that bad, but the hon. Member who was moving it did not give us reasonable evidence to justify Nakuru attaining city status.

First of all, he did not tell the House whether a resolution has been passed by the Nakuru Municipal Council demanding that Nakuru should receive city status. I know the hon. Member is not a delegate of that constituency, but all the same he should have been able to tell the House whether Nakuru Municipal Council has demanded this and the valid reasons why they have done so. Also, the hon. Member did not tell the House whether the local Kanu officials and Kanu as a party have passed a resolution demanding this—

Mr. Mwithaga: On a point of order, Mr. Speaker, under the Powers and Privileges Act of this Parliament, is the Member in order to challenge my authenticity in representing my people?

The Deputy Speaker (Dr. De Souza): He is not challenging your authenticity or your right to represent the Nakuru people. All he is saying is that your case would have been stronger if you had brought the obvious, or stated support of the Nakuru Municipality. That is perfectly in order. It is a debating point, for what it is worth.

Mr. Bala: Thank you very much, Mr. Deputy Speaker. I do not know why the hon. Member is panicking. In fact, he had a lot of time—although I could not see him—in front of this bench.

Mr. Deputy Speaker, the hon. Member has not told us whether KPU supporters in that area have also recommended that this particular town should be promoted to city status. As such, I feel that the hon. Member, although he had the Motion in mind, did not do proper homework and get enough support so as to justify the Members in this House sympathizing with him.

Mr. Deputy Speaker, if we say that Nakuru should be promoted because it is in the agricultural area, when we consider those agricultural products from Nakuru area, we find things like wheat. However, you can also get wheat from Central Province, from the Kisii area, wheat from everywhere. What about pyrethrum? You get it from Central Province, from the Kisii area, and from everywhere. They produce things like maize, beef, milk. What the hon. Member does not realize is that in places like Nyanza, we produce sugar which these other places do not produce. In fact, we produce a lot of sugar which gives a great deal of revenue to the Government. The Government of Kenya gets Sh. 48 per bag through excise duty. Therefore, if we are to consider production and geographical factors, I think Mombasa should have been thought of first as it deserves to be raised to the status of city, followed by Kisumu. Some Members have already said that Mombasa is a gateway, and at the same time there is a very large port there. The place is a tourist attraction, if we are thinking of tourists. If you consider places like Kisumu, this port is used for access to Uganda and Tanzania. The steamer transports all the goods from Kisumu very cheaply, it takes supplies to other areas. I think these two towns are more deserving, and would have attracted the attention of His Excellency the President for first recommendation.

[Mr. Bala]

I know that there are flamingoes in Nakuru, Mr. Deputy Speaker. Tourists come from abroad, they go to Mombasa and Nairobi, and on their way to Kisumu they have something to see in Nakuru. You cannot have every small town promoted in this way.

It has been said that overseas, some towns which have a population of only 28,000 have the status of a city. Mr. Deputy Speaker, what the hon. Member might not have understood is that out of these 28,000 maybe less than five per cent are jobless, but when you refer to the 28,000 people in Nakuru, you will find that more than 50 per cent of them are jobless. They are roaming about in Nakuru. If most of them are merely roaming about, then their number does not justify the promotion of Nakuru to a city when there are so many idle people around that area.

Mr. Deputy Speaker, I think the seconder has nothing to tell the House. He stood simply because he was sympathizing with the hon. Mover, so that the Motion would not be lost, but he did not have the slightest clue. In fact, I did not hear a word from him. I think Members should try to live up to their dignity, so that they do not stand just for the sake of standing in this honourable House.

Mr. Deputy Speaker, I beg to oppose.

The Minister for Co-operatives and Social Services (Mr. Ngala): Mr. Deputy Speaker, Sir, I have always had considerable respect for the views of the hon. Mover, and thought that he considered his material fairly well before bringing it to the House, but this morning he has been very disappointing. If the intention is to recommend something to His Excellency the President, then we must recommend something which is understandable, something which has strong reasons, and the House must make a case.

Nakuru is a small town of the farming community. It has a population of between 30,000 and 40,000 people only.

An hon. Member: Short people.

The Minister for Co-operatives and Social Services (Mr. Ngala): With this population, I think it would be ridiculous for this House to recommend to His Excellency the President that the town should be given the suggested status. What about the services in Nakuru? Take a dance-hall. There is not even a reasonable dance-hall. If you make a city, you must have a big dance hall, and Nakuru does not have one hall in which even 200 people can dance. Surely, this is just one example. Think of night clubs. Nakuru does not have a single reasonable night club. Think

of social welfare generally Nakuru is doing its best, but it could not be considered as reaching the status of a city.

Therefore, I would like to submit to the hon. Member that Nakuru is not yet up to the standard required for the status of city. The hon. Member has said that Nakuru is important agriculturally. I agree with him, and I think it is the very reason why it should not be made a city. The farmers are there, why do you give them a city? They are interested in farming.

An hon. Member: In gum boots.

The Minister for Co-operatives and Social Services (Mr. Ngala): The hon. Members want to take over certain farms around Nakuru. This is not in the interests of the country, that they should be taken over so as to extend the town and make it a city. The important thing is that these farmers should be allowed to develop more and grow more, because that is what will benefit them; they are not interested in mere status of a town. One point has been made very, very clearly by the hon. Member for Meru Central, Mr. Mate, where he has said that there are many other towns of bigger status already, such as Mombasa, Kisumu, Thika and Nakuru. Nakuru, therefore, becomes number three or number four. Is this House going to recommend number four to his Excellency the President? I think it would look very bad and very absurd if we recommended something which we know is entirely wrong to recommend. Therefore, when the Mover speaks of money, and which town brings money, surely we must think of Mombasa first. In the first four months of this year, Mombasa brought to the country about £22 million through the customs and so on. I think during that time Nakuru did not bring even one twentieth of that revenue to the country, and therefore Nakuru is miles behind the towns that should be considered for this type of status.

A very good point also was raised by one of the Opposition speakers, that the Nakuru people themselves have not asked for it in their resolutions. The Kanu supporters and the Municipality itself—we have visited the town of Nakuru several times, but I have never heard the Mayor or the councillors asking for a higher status, because they know it would be improper when their priority is so low comparing with the other towns in the country. When the speaker says that it produces pyrethrum, Malindi also produces mangoes, and Lamu produces fish, and many other towns, Mr. Deputy Speaker, produce other things, and therefore, it is not just merit as such. We are pleased that Nakuru is picking up now with industries. But how many factories are

[The Minister for Co-operatives and Social Services]

there? The Mover himself, if he was bold enough, would say that there are not more than four factories there, very tiny and small ones. He was saying that people in the world know Nakuru; this is not true. Nakuru is not known in the world. The town which is known in the world is Malindi, not Nakuru. There are hardly any tourists around Nakuru and they never reach—I think they go straight to the flamingo lake which is away out of the town and come back to Naivasha. Mr. Deputy Speaker, Sir, I would like to assure the hon. Member that we have a great deal of sympathy for his aspirations, but I think he is asking for something which is not practical just now and I hope he will help his people to get more people. I think Nakuru is— When I go there I see Nakuru is populated by forest squatters during the day time, and at night it is almost empty. Therefore, even with this population, this may be overestimated, the population of thirty to forty thousand people.

I agree with my colleague, the Minister for Information and Broadcasting, that this is a Motion that we should oppose because we are recommending something which is misleading to His Excellency the President. We know very well, that there are some other places which merit this status and these are places bigger even in population, in area and revenue-bringing into the country and in industrial activities we have towns which have bigger status. Some people have funny ideas about cities. They think that when they get the status, city status, they will get the autonomy. This is not true. Cities have no autonomy.

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

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

Cities have very similar status as municipal councils. There is no question of autonomy as indicated or implied in the hon. Member's Motion. Therefore, I think this question of making these places a city, like Mombasa, Nakuru or Kisumu, should be left to the wisdom of His Excellency himself to take stock as we go on, as we progress, because we are still developing and in a few years' time it will be more appropriate to take a decision more wisely depending on the goods and the facilities in the area. The moment when Nakuru will have these very nice night clubs, good dancing halls, and places of importance— Even hotels, in Nakuru you have no hotels of any city status, there are only farmers, resorts and so on. Therefore, to suggest—

The Speaker (Mr. Slade): A point of order!

Mr. Mwithaga: On a point of order, I am wondering whether the Minister speaking is replying as a the Government's responder since he seems to have taken a lot of time.

The Speaker (Mr. Slade): Are you replying for the Government?

The Minister for Co-operatives and Social Services (Mr. Ngala): No Sir. The Minister responsible for Local Government is here and will reply. I am just shovelling something in.

The Speaker (Mr. Slade): The Clerk has not understood that, but it appears that you have had your ten minutes.

The Minister for Co-operatives and Social Services (Mr. Ngala): Mr. Speaker, Sir, finishing up, I would like to ask my friend to be patient.

The Assistant Minister for Local Government (Mr. Njiiri): Mr. Speaker, Sir, I would like to add to what my colleague is going to reply. The hon. Member has said that Nakuru is an agricultural centre. This is true, Mr. Speaker; I think that that area is very good for agriculture, but that has nothing to do with city status. Now, there are so many things that hon. Members should think of. We usually go through the population, the size and revenue of a particular municipality or the city as such. His figures were very much miscalculated and do not help his case at all. Mr. Speaker, Sir, the hon. Member should know that in my Ministry we have, problems in trying to promote some urban councils to municipalities and also municipalities to city status. The hon. Member should know that in the month of August we are going to have a census which will help us to know which areas are heavily populated. Mr. Speaker, Sir, it is very difficult for our Government to judge which towns deserve a change in status without knowing exactly the population of all our towns.

Furthermore, Mr. Speaker, Sir, the hon. Member should know that the Government has decided in 1970 to bring what we call the Review Commission as far as the population of a particular area is concerned. On account of this, Mr. Speaker, Sir, the Ministry will be having a rather difficult time to commit itself before these two important things are studied.

As the hon. Member mentions about the question of people being more there, personally, Mr. Speaker, I usually go to Nakuru and I see very, very few people. We have to increase the status judging by the population. The people there, no doubt, are good farmers. In my Ministry, Mr. Speaker, Sir, we have many municipalities asking for a change in their status, for example Thika Municipality. They are all trying to bring the

[Mr. Njiriri] same pressure as the hon. Member is bringing, but it is very difficult for the Government to judge on that before receiving the census results or the Review Commission's report. My colleague, Mr. Munoko, will reply for the Government; but I want to tell the hon. Members that it would be rather difficult for us to consider the status of only one municipality before the Government goes through cases of all municipalities.

Therefore, Mr. Speaker, I beg to oppose, strongly.

Mr. Jahazi: Mr. Speaker, Sir, I would like to say a few words against this Motion because, Mr. Speaker, I feel that the Motion has been very, very untimely. A case for a small town is being brought here in this House, not a very big town in the country, and we are being asked to approve that it be given city status. I think, Mr. Speaker, Nakuru must consider itself lucky to have a municipality status, to have a mayor. Even if the hon. Member had brought that Motion to give it the status of a municipality, Mr. Speaker, I would still have opposed it because I think it does not merit anything, neither historically nor in size, neither economically, nor socially, at the moment or in the near future.

Mr. Speaker, the hon. Member should have stood here and cited the three industries he had in mind. I think one of them is Union Carbide, which is just recently established or opened, and has not actually started making a profit from the money that was invested. He should have at least quoted a few more which are going to be established in Nakuru. He should have told us that, perhaps, there is going to be a big tractor-manufacturing plant, because it is a farming area, as he says, there could be at least a farming industry. But apart from citing a number of firms, most of which are suffering from drought at this moment, he did not give us any proposed development to warrant this House considering even to agree with him that Nakuru should have a city status.

Mr. Speaker, Sir, he could also have considered other towns that actually merit to be called cities. I have only one town in mind at the moment which is ripe to be a city, in fact, over-ripe, and that is Mombasa, Mr. Speaker. Mombasa, Mr. Speaker, has a lot of things, including history, to be proud of. I think even if Vasco da Gama were to come back to Mombasa, he would be surprised to see that it is not a city yet, because when he passed there, in 1498; it was a city at that time. The only reason why it was minimized is that the settlers attached too much importance to

Nakuru. That was a sentimental sort of attachment. But, Mr. Speaker, in Mombasa, when we quote, as the Mover has quoted, about industrial value, we have only to cite one industry to buy out the whole of Nakuru. The oil refinery, for instance, is worth £6 million. I think the hon. Member for Nakuru will have to quote 200 firms before they amount to £6 million, Mr. Speaker. There are a lot of other qualifications: for example the port, which you may say is even worth more than £500,000 million. Therefore, Mr. Speaker, I would like the hon. Member for Nakuru, if he wants to be serious, not to bring such a Motion that this House will surely reject. Mr. Speaker, I would not like to cross swords with my friend, but I do not know why he chose to mention Mombasa and attack it; because of this, I am obliged to reply to him and oppose the Motion.

Mr. Speaker, we would like to review all the towns and when there is merit, to name and give them different status. But, Mr. Speaker, Sir, I do not believe that in giving a city status to a town or a village will result in any change. It is like taking a beggar from the street and taking him to England, giving him the "Sir" title and all such things without giving him a penny. Mr. Speaker, he will come back here and will be known as Sir So-and-so, but his title will not help him. I have seen many old people who are very proud of wearing medals, from here to there, given to them for whatever they did, but these medals are useless to them because these fellows wear rags and they do not have a good shirt to pin their medals on. So to give Nakuru a city status, Mr. Speaker, is just like honouring a beggar by giving him so many medals without giving him a shirt on which he can pin them.

I think this Motion is very untimely, very unfortunate and I think the hon. Member had nothing more to offer to the Nakuru people. He will appear in the papers for having moved a Motion for Nakuru but I think he is alone in this, perhaps even the people of Nakuru are not with him.

With those few words, I beg to oppose.

Mr. Karungaru: Mr. Speaker, I would like also to join other hon. Members who have contributed towards this Motion. But I would like to criticize some of the hon. Members who simply thought fit to attack the hon. Mover of this Motion, and also tried to dissociate him from the people of Nakuru.

Mr. Speaker, the hon. Member who is moving this Motion is the representative of the people and every hon. Member in this House knows very well that whatever an hon. Member brings in this House is for the benefit of the people

[Mr. Karungaru:] whom he represents. Mr. Speaker, there is one logic here which some other hon. Members have failed to see, and that is that Nakuru Municipality has a Mayor. Mombasa and Kisumu also have Mayors. We would also like to challenge these hon. Members who are saying that Nakuru does not qualify for a city status. How did it qualify to have a Mayor? How did it qualify? I think here are hon. Members here who simply talk for the sake of doing so, but before they talk, they should also have some figures and logic. We are in this House to speak honourably and also to speak with full knowledge of what we are speaking. Some hon. Members were inferring that the Member for Nakuru is not aware of what is taking place in Nakuru. One hon. Member told us that there is no social hall in Nakuru, others said that there is no night-club, and others told us that there is no hotel. If we want to be sincere in whatever we say in this House we should refrain from misquoting or distorting the situation. We know pretty well that there is a social hall in Nakuru, we know pretty well that there is a hotel for the Nakuru people, and we are also aware there is a night-club. Where did that particular hon. Member get his facts? Where did he get his facts? This shows clearly that the hon. Member who is opposing by giving such arguments does not know Nakuru itself, and if he knows the town, he should not have distorted the whole situation about the town. Everybody knows Nakuru. If people of Nakuru do not have a hotel, where do they go to eat; if they do not have a social hall, where do they go for their social activities? If these people do not have these facilities, then we will challenge the Minister who was trying to distort the whole situation, to go and provide these facilities for Nakuru.

We have also listened to some other hon. Members speaking in this House, saying that because of its size, Nakuru does not qualify for a city status. How did it qualify to have its own Mayor?

The other arguments being employed, which also seem to have no base, are that although Nakuru is an agricultural town, there are places like Kisumu which have a lake, Mombasa having a port, and the rest. Why can these people not say that they want this city status to go to Mombasa? The two hon. Members who have quoted Mombasa come from the same place and are very parochial in their argument. The third one comes from Kisumu and he has told us that there is a lake in Kisumu, Lake Victoria. Why did he not bring a Motion to demand a city status for Kisumu? Why did the two hon. Members from Mombasa not bring a Motion to

demand a city status for Mombasa? Why are these people confused and perhaps have not consulted the people of Mombasa and Kisumu whom they represent, respectively? Why should they criticize the hon. Member who has carried out his homework properly? Instead they should bring their Motions before this House to see if we can give them blessing to go ahead.

Mr. Speaker, nobody can know that you are hungry unless you say so. The hon. Member for Nakuru is saying that the Nakuru people want a city status for their town; through their representative, whom they have elected, this has been aired in this House. Let us not oppose for the sake of opposing, or because of personalities, or anything of the sort. How does the Kanu party come in? How does Kanu come in—

Mr. Shikuku: On a point of order Mr. Speaker, are we to let that hon. Member go on imputing improper motives, that we are opposing for the sake of personality? Is that not imputing improper motives for those who have opposed, that they have done so on personality basis?

The Speaker (Mr. Slade): It is all right if it is only a very casual reference to possible opposition for the sake of personalities, but I think you should withdraw when you suggest that any hon. Member who spoke in this debate was influenced by personal animosities.

Mr. Karungaru: No "personality" motive is implied—certainly not in the bad sense of the word. But we could see that when the hon. Members were opposing, they disassociated the hon. Member from the people of that particular area and, at the same time, saying that the hon. Member did not get a letter or circular from the Mayor, from the council, from the Kanu office, and even another hon. Member said, from the KPU office. Then I fail to understand—

The Speaker (Mr. Slade): You are not alleging any improper personal motives?

Mr. Karungaru: No. I am not doing it, Mr. Speaker. I fail to understand why an hon. Member was supposed to have a letter from Kanu, KPU and from the council. Who is he? Is he not a representative of the people?

I believe, Mr. Speaker, Sir, that before an hon. Member brings anything in this House he has knowledge of what is taking place in the area that he represents. Therefore, Mr. Speaker, Sir, I fail to understand the premises of the logic that has been employed by some hon. Members when opposing this Motion and I shall not be a part and parcel to the opposition of this Motion.

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

The Assistant Minister for Local Government (Mr. Munoko): Mr. Speaker, Sir, this question of city status being bestowed on any of the towns in the country is vested in the President who has the prerogative.

Mr. Speaker, the dignity which a city status carries is quite high, and once a town has been bestowed with city status, it must be able to carry that status and that dignity. It will be, Mr. Speaker, not in the interest of the country if His Excellency the President bestowed city status to any town only to find it collapses. That will not be in the best interest.

Mr. Speaker, considerations are always given to various aspects before any town can go up. One is that of population, when the last census was carried out in 1962, Nakuru had not more than between 30 and 50 thousand people. I know, Sir, that the population might have gone up, but this will be proved when the census is carried out in August. I hope, Sir, the Member for Nakuru will try to encourage the people to register so that the actual population of the town is known.

Mr. Speaker, as far as population is concerned, when you consider Nairobi, which has about 320,000 people and Mombasa which has well over 100,000 people, you feel that Nakuru is fairly well below the number which one would consider justifying this high status.

Mr. Speaker, when we come down to revenue, it is another aspect which must be considered. Nakuru at present cannot be considered to be higher than some of the others which have not so far been considered.

Sir, for the benefit of hon. Members, the expenditure of Nairobi at present is £3,178,000 per annum and the revenue is £2,775,000; Mombasa is £1,679,000 expenditure and the revenue is £895,000; Nakuru is £679,000 as expenditure, and there is a revenue of £470,000; Kisumu is £461,00 expenditure and there is a revenue of £355,000. It is quite clear here that if His Excellency were to consider another town to be elevated to the city status, the next one would be Mombasa and not Nakuru.

Mr. Speaker, the hon. Member has indicated that the rateable value of the municipality of Nakuru is the highest in East Africa, and that it is 5½ per cent, and that that of Nairobi is only 3½ per cent. In fact, this just goes to show that Nakuru has a long way to go. If you have a very high percentage to rate on the values, then it means that those values are low. You have to have a higher percentage in order to realize the amount of money you get. The lower the percentage is, in the way of rate, the better for any city or any town which has to develop. So,

in fact, Mr. Speaker, the Member should not be proud that the rate in Nakuru is 5½ per cent. He should try and get more industries and more development in that area so that we can have a lower percentage yielding a high revenue for his town.

As other hon. Members have already said, Mr. Speaker, it is not wise for us at this stage, in this House, to try and plead with the President to bestow city status on Nakuru. We would rather feel that the President has all the information that is available to be able to make a decision as to which town will be made a city. It is not good that we should tie his hands and direct him to consider a certain town to be made a city because he is well aware of things, and nobody can tell me, Mr. Speaker, that the President does not know these places. He goes to them fairly regularly and is well versed with the progress that is being made in the country. I am sure that when the time comes he will be able to bestow city status on any of the towns in Kenya; not Nakuru, Mr. Speaker, at present, as I see it, because there are others which have a better claim to city status than Nakuru.

I would like to say here, Mr. Speaker, that the Government does not accept this Motion because it ties the President's hands and directs him to bestow city status on a town which is still in a very doubtful state.

The Speaker (Mr. Slade): Mr. Shikuku. You have just four minutes.

Mr. Shikuku: Thank you, Sir.

I wish to contribute to this Motion, the last but one speaker asked why it was necessary for the Government to grant municipal status to Nakuru, or rather, give a mayor to Nakuru. It is natural because it had reached the stage of a municipality and, therefore, it should be given a mayor. It is as simple as that. However, when we talk of a city, I think the hon. Member should try and look in his dictionary and find out what a city means. Fortunately, Sir, the Assistant Minister has just given us the whole situation. From the figures given, we can now see that Mombasa is the only one we could possibly think in terms of promoting.

Mr. Speaker, nevertheless, I am sure the Member who moved this Motion is a very reasonable Member, he is a Member who knows what he is doing, but obviously on this occasion he was not serious with this idea of city status. He is not one of the Members whose intelligence can be underrated by any of the other Members of this House. He is very smart indeed, Sir, and it

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would be a mistake to think that the Member can be so misguided. I am sure, therefore, that he brought this Motion in for fun. In my opinion he could not have been serious.

Mr. Speaker, for a city status there are a lot of things to be taken into account. Nakuru is not a town I do not know, and my friend should know that. I have been to Nakuru several times and I know it cannot qualify to be a city. Nairobi is a city and it is one of the smallest cities compared with the many cities I have seen in the world. It is a city worth the name and it has maintained that standard. So I agree entirely with the Assistant Minister, that when you bestow city status on a town it must live up to it. Nakuru, unfortunately, despite the argument by the hon. Member that it is the granary of Kenya, that it has farms around it, and so on—that does not give it the necessary qualifications for being made a city. If it is to be based on the question of farmers, Sir, then I would say that there are no farmers around Nairobi that helped to make this place a city. It is a question of the population, and the population of Nakuru is very small indeed as was apparent from the figures given. So, Nakuru cannot qualify for city status.

Nonetheless, Sir, this a pointer towards city status. Now that this idea has been put into the minds of the people, the idea is dawning into the minds of the people, if the mayors and councillors of the area can go on developing it, and if there are more industries coming there, then it will not even be necessary to bring a Motion for this purpose to the National Assembly, it will come automatically. I hope the Member will be living at that time. There will not be any need for a Motion to be brought here for this purpose. The spirit of having Nakuru as a city should be promoted and many other towns which have not yet attained the standard of municipality should also be encouraged to work towards the standard of municipality so that they can be promoted. When they are municipalities they should be encouraged to work towards city status, and then cities should be encouraged to work, I do not know towards what name we may have in mind.

Mr. Speaker, when the Motion is rejected the Member should not take it as a negative attitude. It is based on fact, based on realities, based on what is happening. He should not be down-hearted because we look forward, with his help and the help of those other people, to promoting Nakuru to city status, not through a Motion in the National Assembly but through constructive construction of buildings and social halls, and all

the other qualifications required. I am sure then, the President of the Republic will declare it a city one day, when it has reached the right standard.

With these few remarks, Sir, we are not letting-down the hon. Member but are only being realistic with him by turning down the Motion. Thus we are encouraging him to go on fighting further to get Nakuru raised to the status of a city.

With these few remarks, Mr. Speaker, I beg, regretfully, to say that the Member was not serious and, therefore, I oppose the Motion.

The Speaker (Mr. Slade): It is time now for the Mover to reply. Mr. Mwithaga.

Mr. Mwithaga: Mr. Speaker, Sir, I am very pleased to have had time to listen to the views, especially of the Ministers. Unfortunately, Sir, I have no better expression I can use to refer to these Ministers than to say that they are living behind memory. Mr. Speaker, the Minister for Co-operatives and Social Services spoke arrogantly, carelessly, and I was terribly ashamed to hear him still refer to issues, which must be taken seriously, as absolutely nothing. I know what was the driving force behind this, his political quarrels in Mombasa, his fight with—

The Speaker (Mr. Slade): Order! Oh, no, Mr. Mwithaga.

Mr. Mwithaga: Mr. Speaker, Sir, I think you will allow me freedom here because—

The Speaker (Mr. Slade): No. You credit hon. Members who speak in this House with sincerity and not ulterior motive. You certainly do not start referring to their private troubles.

Mr. Mwithaga: Mr. Speaker, Sir, the point is this: when the Minister for Social Services says there are no dance halls in Nakuru, says there are no night-clubs in Nakuru, then he is a total failure and does not know where his services are supposed to be, he is not informed of what his officers are doing. In that event, Mr. Speaker, Sir, he ought not to be a Minister of the Kenya Cabinet.

We have so many halls in Nakuru, which I need not talk about here.

An hon. Member: Can you mention the names?

Mr. Mwithaga: We have the Nakuru Association Hall, we have the Menengai Hall, we have the Town Hall, we have the Starehe Hall and, Mr. Speaker, Sir, even the Assistant Ministers here have been there and they know it just too well.

An hon. Member: Night-clubs?

Mr. Mwithaga: We have two night-clubs, where we have bands which play just as the Bongo Boys Band which plays for the Public Service Club here. We have the Tropical Valley Night-Club where even the Nairobi stars come.

Mr. Speaker, Sir, that is a demonstration of sheer ignorance. Mr. Speaker, Sir, I am not quarrelling with the sentiments expressed by some Assistant Ministers, because they plead that perhaps the President will be kind to this resolution. I quite agree, it is a prerogative and the President must have that freedom to decide. However, Mr. Speaker, Sir, am I going to shame Abraham, when I am a representative of the people? Do I have to pay for the lack of initiative of our Members from other towns who have not struggled to get their towns raised to city status? Do I have to pay for that laziness? Do I have to pay for that lack of initiative? Mr. Speaker, Sir, the fact that I was able to think of Nakuru being raised to a status of city much earlier than those others, is one—Mr. Speaker, Sir, I do not have to bear the blame for their lack of initiative, and I leave them aside. People of their own areas will judge them from today because when I brought this Motion, I had addressed a meeting earlier, Mr. Speaker, Sir, and I asked my people whether they wanted and they said “Yes”, they wanted.

The importance of Nakuru cannot be ignored by anybody. Trying to brush Nakuru aside and describe it as a small village, as the hon. Ngala said—Mr. Speaker, Sir, I am surprised. I do not take the Minister for Finance seriously, he is my good friend and just yesterday he dropped the graduated personal tax and, therefore, our people are happy.

Mr. Speaker, Sir, the Government responder has said that Nakuru is ranked third, as far as revenue is concerned. I am glad, Mr. Speaker, Sir, that the revenue in Mombasa is much higher. I do not quarrel about it. In fact, when moving my Motion, I did not want to attack any town at all. I was fighting for my town.

Our revenue, Mr. Speaker, Sir, coming from a town like that one, and being taxed in other towns, compared with Nairobi and Mombasa, is an indication that we are not sleeping. Mr. Speaker, Sir, it is a sign of development. Our rateable value was lowered from 5½ per cent to 4½ per cent, and that is an indication, Mr. Speaker, Sir, of our rate of growth. Mr. Speaker, Sir, next time, when the Ministers come there, I will have to tell the people that they all regard Nakuru as a village and they will neither enter any hotel nor go to any night-club and I will warn even

the girls not to entertain them in the bars. Therefore, Mr. Speaker, the growth is now being seen despite the fact that our rate of value has gone down.

Mr. Speaker, Sir, we have been in a municipal status for a long time. How come that the colonialists could see the importance of Nakuru and raise it immediately to a status of a municipality from municipal status and now our Ministers, our own Government, cannot see the importance?

An hon. Member: Do you follow them where they wish?

Mr. Mwithaga: Mr. Speaker, Sir, this is very interesting. Honestly, Mr. Speaker, Sir, most of the hon. Members have their bank accounts in Nakuru because they have got farms in Nakuru, which shows that they see the importance of this town. Mr. Speaker, Sir, the industries are not many. Whom do we blame, Mr. Speaker? The Minister for Commerce and Industry? It is not the fault of Nakuru people not to have more industries; they have demanded this and he knows, but they keep on sending them here and there and we are now very watchful because we have an industry that we want to have there and I understand, from reliable sources, that the Minister for Commerce and Industry may direct it elsewhere. However, we will fight in the offices and not in the Chamber.

Mr. Speaker, Sir, the fact that the Nakuru people have not many industries is not a blame on them, it is the blame on the Ministry. If they want to keep us down by not giving us more industries, we must lay the blame on them. Mr. Speaker, Sir, one Member said we should not have the resolution in this House about status of this and that town. I remember, Mr. Speaker, Sir, that when the Thika people demanded that their town be a municipality, they were granted by the President. Mr. Speaker, Sir, why were they granted? Despite the fact that the industries are growing, the size of the Municipality of Thika is too small to justify any other status. It is too small. Therefore, Mr. Speaker, Sir, I have the right in this House, as the elected representative of the people of that town, popularly elected to air the views and put pressure on the Government, with the authority of my people. Therefore, Mr. Speaker, Sir, when I am seeking recommendation to the President; I know the President understands very well that if a Member seeks support from other colleagues here, he, as the President, knows, that he is actually representing the people and all he is trying to do is get the hon. Members to understand the position of our status.

The Speaker (Mr. Slade): Order!

Mr. Mwithaga: Now, Mr. Speaker, if you would rule the Minister for Finance to order, I would be able to conclude by saying that our importance, not to repeat what I said, is understood. The agricultural industry of our province, Mr. Speaker, Sir, has gone up. In fact the Vice-President of this Republic comes from there and indeed the Ministry of Agriculture should have had its Ministry's headquarters in Nakuru, instead of Nairobi, because there are no farms here, and fly the flag over there.

Mr. Speaker, Sir, as I said, the whole world knows that Nakuru is a very important town in that we have a bird sanctuary and the Ministers did not touch on that because they know that they cannot challenge that. A bird sanctuary, second to none in the whole world, a crater, only second to that in America, Mr. Speaker, Sir. Our importance, in the whole world, is understood. This is why we want dignity in the status of a city. We are entitled to that dignity.

Mr. Speaker, Sir, in fact, if there is any Member with louder voice than mine, from Nakuru, I will challenge him. Mr. Speaker, Sir, that shows how Nakuru's importance, even politically, is.

Mr. Speaker, Sir, I beg to move.

(Question put and negatived)

MOTION

CONFUSION OVER OPERATION OF TRADE LICENSING ACT

Mr. Mwamzandi: Mr. Speaker, Sir, I beg to move the following Motion:—

THAT, in view of the fact that the Trade Licensing Act is rather confusing to the public by the method some non-citizens are given their licences back and some refused, this House urges the Government for the better and fair running of this Act to establish:—

- (a) A district appeal committee to determine all appeals lodged as a result of the notices served by the Ministry, from which there is further appeal to.
- (b) A provincial appeal committee composed of members from every district from that province and the decision of the provincial appeal committee will be final.

Mr. Speaker, this is a Kenya-wide problem today and the Ministers have all the time been telling us that whatever difficulties or confusion we have in the Ministry, we should go forward and bring these matters clear before them, and this is one of the opportunities where we can show the Government what mistakes are being made outside in the field.

Mr. Speaker, this is not a problem for the Member for Kwale East alone. As I said, it is a problem concerning people throughout Kenya. I read on the 11th June 1969, this year, that the Kisumu Municipal Council was complaining—this was in the *Nation*—that some quit notices were issued without their knowledge. As a result, when a non-citizen was given a quit notice, normally he could change whatever business he was carrying out to another kind of business without the municipal council knowing. As a result, Sir, a letter was written from the Ministry of Commerce and Industry that whatever licences the municipal council was going to issue to any change of business the Ministry should be informed. The Municipal Council of Kisumu complained that since they did not have a list of quit notices within their own municipality, they demanded that they should have this list submitted to them. This was mainly in Kisumu where I find that this is a genuine complaint.

In my own place, Mr. Speaker—that is Kwale—quit notices have been issued to some non-citizens. Unfortunately, the public around that place were not informed as to who had been served with these quit notices. We do not know how this procedure is being carried out because some of these people who were served with quit notices, the next day or two they were given their licences back. We fail to understand how this procedure is being carried out within the Ministry.

Another thing, Mr. Speaker, we are surprised because the same Minister, or the Trade Licensing Officer of a province— At this moment, Mr. Speaker, we do not know whether it is the Provincial Trade Licensing Officer or the Minister himself who serves these notices—but the problem here is even some of the citizens themselves are sometimes issued with quit notices. Generally, the Ministry always regrets that it did not know that the man they were serving this on was a Kenya citizen. We do not know what procedure is being used within this Ministry. We want to know. We would like, here, that the Ministry should take the responsibility of serving quit notices and the public in the districts should be responsible—that is an appeals committee should be formed—to determine whether it is necessary for that non-citizen to be relicensed or not. Or, Mr. Speaker, even the Kenya citizen himself who has been served with a quit notice, should appeal to this appeals committee, and the committee should be responsible to see whether this citizen should be given his licence back or not. We are confused, Sir, to see that the same officer who issued the quit notice would the next day reissue a licence. As I said, we fail to understand what has been happening on Saturday and Sunday

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afternoons; we do not know what is happening during those days. Do they serve these notices so that the traders come before them? We fail to understand this. What is the interest of a Kenya citizen who is serving the notice? What is there behind it? We fail to understand. Do the Provincial Trade Licensing Officers want these people to go to their officers to see them, and if so how? We want the officials of the Ministry to be responsible entirely for serving the notices.

The Assistant Minister for Commerce and Industry (Mr. ole Oloitipiti): On a point of order, Mr. Speaker, the Member has just alleged that Kenya citizens have been served with these quit notices; can he substantiate this?

The Speaker (Mr. Slade): Can you give any cases?

Mr. Mwamzandi: Mr. Speaker, there is a case I remember well in Nairobi South, and furthermore last week the hon. Pandya made it very clear here that some— The Minister said that it was necessary to serve quit notices to these citizens. I do not know how it was but I know that evidence was laid on the Table.

Mr. Speaker, we are left with the suspicion that—

The Assistant Minister for Commerce and Industry (Mr. ole Oloitipiti): Mr. Speaker, Sir, the Member has not given us light on this because he mentioned Nairobi South and we want the name of the person.

The Speaker (Mr. Slade): The hon. Member is entitled to reply on what he has heard from another hon. Member in this House—with chapter and verse—only a few days' ago. I thought he was referring to cases in his own district, but he has made it clear that he is referring to cases in Nairobi which were specified to this House by Mr. Pandya.

Mr. Mwamzandi: Mr. Speaker, further to my Motion, it was on the 12th of this month when the Minister was replying to a Motion on the Adjournment of this House. Here, Sir, the hon. Pandya was complaining as to how citizens were being deprived of their licences, and the Minister, in replying to that Motion, went on without giving a proper reply. The reply that he gave to this House could not clarify as to why these citizens were being deprived of their licences. These people have sincerely come forward before this Government to say that they are ready to be citizens. There should not be any discrimination because they have sincerely dedicated their lives to this country. If these people are deprived of their licences, we do not know where they are going.

Another thing, Mr. Speaker, I was surprised, if I can quote what the Minister said: "where non-citizen traders are available to deal in certain specified goods, non-citizen traders must be able to do so." I wonder if these quit notices are made public. These are not advertised, they are kept a secret. That is why the Minister here said that where no citizens were available, non-citizens had had their licences returned. My question here is this: if the Ministry has not yet had any applications from citizens, why should they issue these quit notices to the non-citizens? Citizens have to be available first. We fail to understand this. It is known that no citizens are ready to run the businesses, and yet quit notices are issued. Do you want that man to come before you to plead? This is why I ask this House to see that the officials are deprived of the power to issue quit notices and to issue licences. It should be given to the local man in the district who knows exactly, if a non-citizen is removed, how the local person suffers. That is why we want local people to make these things public in the district.

The Minister for Finance (Mr. Gichuru): Shut up.

Mr. Mwamzandi: On a point of order, Mr. Speaker, I wonder if the Minister is in order to shout at me "Shut up". That is the hon. Gichuru.

The Speaker (Mr. Slade): I am sorry. Are you complaining of his shouting or of what he shouted?

Mr. Mwamzandi: I am asking if it is parliamentary, because he told me to "Shut up".

The Speaker (Mr. Slade): No, that is not parliamentary.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I was only talking to him as a personal friend. If he objects to this, I shall not repeat it.

The Speaker (Mr. Slade): Order! No, it is not a case merely of the hon. Member objecting. The whole House objects to improper behaviour, and to tell a Member on his feet to sit down or to shut up is definitely contrary to our customs, and is most undesirable.

Mr. Mwamzandi: Thank you very much, Mr. Speaker. I appreciate your friendship to me.

Further to this—

The Minister for Finance (Mr. Gichuru): Me, also.

Mr. Mwamzandi: I fail to understand in one respect, Mr. Speaker. I know of a case where a non-citizen was served with a notice to close up his shop. The man had a wife, whose nationality was Asian. We could not tell whether she was a citizen or not.

An hon. Member: Why not?

Mr. Mwamzandi: Things went on, and the licence was then converted into that lady's name. The Government interest is to see that non-citizens are not enjoying our prospects. The woman, who was a Muslim, could not serve in the shop, according to Islamic customs. Therefore, it was the husband who was serving in the shop. I wonder about such notices. The husband in this case is not a citizen, and I doubt whether the wife is a citizen; even so, when the licence was refused to the husband, the wife was able to take it over. We do not understand why the licence should have been reissued in the wife's name, so that they continued to enjoy the same facilities enjoyed by citizens. This is one of the things I want to make clear before the House. There are two parties in this case: the husband who is very important and who is a non-citizen, but why should a non-citizen enjoy these facilities because of his wife's status?

The Minister for Finance (Mr. Gichuru): Why not?

Mr. Mwamzandi: Mr. Speaker, we will have to excuse the Minister for Finance, because he is intoxicated with his Budget last night.

The Minister for Finance (Mr. Gichuru): On a point of order, Mr. Speaker, I would like to find out whether your ruling would be right in the sense that the Member, who has been talking on women is correct, and as to whether he is right in saying that I am intoxicated. The point is, in which way is he right.

The Speaker (Mr. Slade): I do not quite know, Mr. Gichuru, but I do not think you have a point of order.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, the point is—

The Speaker (Mr. Slade): No, Mr. Gichuru, you have no clear point of order. Please do not interrupt the hon. Member.

Mr. Mwamzandi: Mr. Speaker, he is a senior Minister. If the senior Minister does not understand, I hope he will keep quiet and listen. He is interjecting too much.

Mr. Speaker, let me come back to my main theme, parts (a) and (b). In this country, in every district, there should be a District Appeals Committee to determine whether the non-citizen is to be re-licensed or not. In fact, some citizens have been deprived of their licences, and it is up to the committee to determine whether the citizens should be given a licence or not.

In regard to (b), the man might be aggrieved by both the Ministerial and the District Appeals Committees and I think he should be given a further

chance to appeal to the Provincial Appeals Committee. As I said, this should be a committee composed of members from every district. A person appealing might be running a very important industry in a certain province. So the appeals committee members would have to decide whether that person should be given back his licence or not and, if he is to be deprived of his licence, they should find out how much the local people are going to suffer. This is what we want to know. It is the local man from the district, the provincial man, who understands how people are going to be affected, and who would benefit, when such notices are given back. No one in the Ministry of Commerce and Industry, not a single man there even in the Minister's Office is able to determine whether such a licence in Kwale District, say, is beneficial or not to the local people. We want that responsibility to be placed with our local men, to be placed with the local county councils, for that matter, if that is acceptable to the House. It should not be the Trade Licensing Officer. We do not want to create loopholes for easy appointment. We do not want to leave room for officers to be met by traders every time. We may come to suspect that he was allowed to re-open his shop because he gave somebody something. Why should we encourage that suspicion?

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

Mr. Mbogoh: Mr. Speaker, my reason for seconding this Motion this morning is because I have looked at it and found that the Mover is a sensible man who has seen exactly what I have seen. We share quite a lot in common in this case. This has been happening all over the country and, therefore, this is a Motion of national importance, not only applicable to a small area.

Mr. Speaker, Sir, the question of non-citizens being given their licences back without consultation with the people of this country is very serious, and it would be very bad if such things were found to be happening in that way. This is due to non-co-operation between the authorities concerned. If there were a District Appeals Committee to which somebody who was given notice to quit went to appeal, they would be able to determine whether the non-citizen or citizen should lose his licence; it would be determined which of them should lose their licence, because there are some citizens who do not deserve the licences they hold. I feel that if such a district committee sat down, instead of giving all the power to the District Licensing Committee, it would help to clear suspicions, because many people suspect that if a shop is closed and then

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later it is opened, there is some corruption going on. To clear the people from suspicion, it would be sensible to establish an appeals committee which would help him in his work without anybody suspecting.

After that, Mr. Speaker, it would be the duty of the losing party to go to appeal to the Provincial Appeals Committee, whose decision would be final and, in that case, there would be no one else to whom to appeal. However, instead of provincial committees, we have the provincial commissioners as individuals. He can go to the people and tell them that this is what he wants to do, he has issued the people concerned with quit notices, and nobody can query his statement.

Mr. Speaker, the Minister can bear witness—he is here—to my statement that this confusion can be stopped. We have seen cases here in this Parliament and here in Nairobi where the Trade Licensing Officer gives somebody a licence to trade, and another man comes round and goes into the same business premises. We had to do a lot of work trying to sort out these things, even in Parliament, and the Minister himself was inconvenienced. If there were appeal committees this would not have happened. I believe the Minister himself agrees with me, that in dealing with the business community, you are dealing with a very tricky lot of people, and unless they are handled carefully it is most difficult to catch them, or to follow exactly what they are doing.

Mr. Speaker, the other day one of the provincial commissioners was addressing a meeting which I attended. He told the people that if the people of that area could not take over businesses, then he would withdraw all the quit notices which he had given to the non-citizens. This is where I feel there should be a very just and informed body to look after the people. If our people can be given the chance to deal with this work—these businesses—I am sure they will do so. What happens is that the quit notices are written and sent to the non-citizens concerned, and they are not published in the newspaper, or on the radio, or they are not sent to the people so that they know which shops have received quit notices and which have not. It has happened in Nairobi, and now there are many shops which could be taken over by Africans today in Government Road, in Campos Ribeiro Road, in River Road, in Bazaar Street, but the Trade Licensing Officer keeps them secret as if they were his own business. If the Government wants to come out to help Africans, or to help the citizens of this country, now is the time they should do so; they should help the people by telling them that So-and-so has been

given a quit notice, and then they should advertise that shop for Africans to take it over.

Mr. Speaker, it is only fair to have such things done, and it is fair to inform the people that So-and-so has been given a quit notice, and therefore Africans should go there and try to negotiate with him in order to buy his shop. Also, it should be the duty of the Ministry concerned to try and establish a price at which such property can be bought. The aim of the Act is not to exploit the people of this country, but they are being exploited, because when they go, they find that the property is so expensive and they cannot buy it, and there is no one to help them.

Therefore, I feel that the Government has gone far enough in declaring that Africans or citizens of this country should have the shops, but they have gone just half way in implementing it, and they have left the people to be exploited. They should now show them where the shops are, and those shops should not be the monopoly of a Trade Licensing Officers, so that he sits on them. Perhaps he would like something from somebody so that he shows them where the shops are.

I have seen some people around Nairobi who know exactly which shops there are, and even if they are willing to buy them, they are aggrieved parties, because they know that they are shops belonging to the non-citizens who have been given quit notices and the trade officers refuse to tell them the addresses of these shops or to reveal the names of the people until they are given something, they could go to the appeals committee. They could give them the notice that the Trade Licensing Officer or the district commissioner, or someone, is refusing to give them information about the shop or the people who have been given quit notices. The Minister would then be so popular. Everybody in Kenya would know he was a socialist Minister, and that he wanted his people to be rich, that he wanted to help them and to keep them well informed.

Mr. Speaker, these two committees—the District Appeals Committee and the Provincial Appeals Committee—are a necessity, and they should be set up swiftly. The people serving on those committees should be people of integrity from the districts concerned. Even if they are elected people, civil servants—I do not care if it is the district commissioner sitting in the chair, or the provincial commissioner—but they must all be really honest people who will not be bribed by non-citizens, and who will not accept anything roundabout in the business, and they will be able to help their own people sincerely and without any other motive.

[Mr. Mbogoh]

Mr. Speaker, this Motion has been moved by the hon. Member, and I have seconded it. I would like to commend it to the Government, that they take it as a serious and honest effort to help our people as far as business is concerned, to make sure the Government does not bear any blame from the people who are shouting that corruption is being practised in this country in regard to business operations.

Therefore, Sir, I beg to scound the Motion.

(Question proposed)

The Assistant Minister for Commerce and Industry (Mr. ole Oloitipiti): Mr. Speaker, Sir, I am not replying to this Motion, because my Minister is here to reply; I am only participating in the debate.

Mr. Speaker, Sir, I think it is the wish of this House and the Members of the National Assembly, and it has been a request from time to time, that Members want trade in this country to be Africanized. Mr. Speaker, Sir, my Ministry has taken the initiative from the beginning of this year. That is why we introduced this system of quit notices to undesirable people in the country, to non-citizens in the country. Mr. Speaker, Sir, I do think, since my Ministry has taken this move, that the Members of Parliament and the public, at the same time, appreciate this Move.

Mr. Speaker, Sir, the move was very important. However, to start with, we knew that to take over the whole trade in the country was an impossibility. Mr. Speaker, Sir, my Ministry wanted to see, as a first step, participation of the Africans in commerce and industry. That is why we say that we should begin with a fair number so that African traders will participate in trade. This, Sir, was done very successfully.

However, it was in this same National Assembly, that the Members passed a Bill that there should be one committee in the whole country, so that people could appeal. Therefore, Mr. Speaker, Sir, if there is anything wrong that we have only one committee in the country to hear this appeal, it is the very Members of this National Assembly who approved it. Mr. Speaker, Sir, I am being asked how they know about the people of Narok, Kajiado and elsewhere. We have the district trade officers, we have provincial trade officers and these officers are officers of the Government; they know every corner of each district, therefore, they give the report. Mr. Speaker, Sir, we know that the machinery is working very well. Therefore, Mr. Speaker, Sir, let the Members rest assured that

we know what we are doing. We are giving quit notices to people of whom we do not approve that they are non-citizens; we do not, at the same time, issue notices to people who know are very good people in their districts. This, we do from the district level, through the trade officers of the district, through the provincial and trade officers and so on to the Ministry.

Mr. Speaker, Sir, coming to the Motion, as it is now, because they all admit that we have taken this initiative as a Ministry, now to say that we should set up District Appeals Committees or Provincial Appeals Committees this, we think, is an unnecessary burden to add to the public exchequer. We all know that the committees in the country sit, and they need some sitting allowance. Where are we going to get this money from? Mr. Speaker, Sir—

Mr. Mbogoh: On a point of order, Mr. Speaker, Sir, I am getting confused by the speech of the hon. Member because of one thing. Since he said that he is not answering for the Ministry and now he seems to be answering for the Ministry, does not this speech jeopardize the position of the Motion if the Assistant Minister of the Ministry, who is charged with the responsibility in the same Ministry, keeps on speaking as if he was the Minister himself speaking?

The Speaker (Mr. Slade): No, there is nothing wrong with that. I think the House might be glad to hear two representatives of the Ministry in the debate. What the hon. Member meant was that he was not claiming the twenty minutes allotted to the official responder; but to hear the view of another Minister is all in the interest of the House. It is not out of order.

The Assistant Minister for Commerce and Industry (Mr. ole Oloitipiti): Thank you, Mr. Speaker, Sir. I think the ignorance of the hon. Member surprises me. Mr. Speaker, Sir—

Mr. Mbogoh: On a point of order, Mr. Speaker, Sir, I think that that remark from a sensible man does not make any sense. He said that he is surprised by my ignorance and yet I have never been as ignorant as he is.

The Speaker (Mr. Slade): He expressed surprise, that you did not know that he was in order. No, he was in order.

The Assistant Minister for Commerce and Industry (Mr. ole Oloitipiti): Coming to the Motion, Sir, I thought that the hon. Member who has been contributing to the House all the time was a wise man, but when he wastes my time for nothing and yet he knows, I do not think that that

[Mr. ole Oloitipitip]

was a wise statement. Mr. Speaker, Sir, I said that if we were going to set up all these committees in every district, and we have got 42 districts in the country, and, again, we set up committees for all the provinces, this, Mr. Speaker, Sir, would be spending public money for nothing.

Mr. Speaker, Sir, the appeals can go to the Central Appeals Committee here in Nairobi and, the people who are on this committee, Mr. Speaker, are citizens of Kenya; they know what we want; they know our policy, and therefore, Mr. Speaker, we should trust them to do the job for us.

Another point, Mr. Speaker, Sir, which was raised here by the hon. Mr. Mbogoh, he said that he was at a *baraza* where the district commissioner told the people that if they do not take over the businesses he would withdraw their quit notices. Here, again, there is a request from the people that they want to take over the jobs, and if they are given those jobs, then they do not take them. The Provincial Commissioner wanted to prove to the people how they can take over the businesses. However, Mr. Speaker, Sir, no Provincial Commissioner can be so foolish as to tell the people that we have served them with quit notices when we have not done so. He must have done it, but the point is, Mr. Speaker, Sir, if the quit notices were served, then, it is up to Africans themselves in the district or the province to take that chance.

Mr. Mbogoh: How do we know?

The Assistant Minister for Commerce and Industry (Mr. ole Oloitipitip): Mr. Speaker, Sir, we know. How did you know that these people were treated in this manner if you did not know that quit notices had been served? Mr. Speaker, Sir, therefore, I do not think that that point is a good one.

Come to the other point which was made by the hon. Mr. Mbogoh—

The Speaker (Mr. Slade): I would find it easier to hear you if you did not keep turning your head the other way.

The Assistant Minister for Commerce and Industry (Mr. ole Oloitipitip): I will address the Chair, Sir.

Mr. Speaker, Sir, the hon. Mover had said that the public were being oppressed by the landlords who asked a very high rent for the premises. However, Mr. Speaker, Sir, here, we need to tell the hon. Members how these things are done and then they can go back to the people and tell

them. Mr. Speaker, Sir, supposing one Asian has been served with a quit notice, and is, therefore, surrendering a building to be run by an African commercially, we do not agree to the price that the Asian wants. We have our own Government valuers and every person in the trade who wants to buy those premises is directed to go to the Government valuer. Then the Government valuer in the district can value the house, the building and tell us exactly what the price should be. Therefore, Mr. Speaker, it is not right for the hon. Mbogoh to have said that our people are being oppressed with regard to premises. We are alert on these matters and—

Mr. Mwamzandi: On a point of order, Mr. Speaker, will the Assistant Minister make it quite clear, because he is suggesting that there is a valuer in every district to value whatever premises are to be Africanized. We want this to be made very clear: if he means that there is a valuer in every district because in my district I have not seen one.

The Speaker (Mr. Slade): I presume you are asking him to substantiate.

The Assistant Minister for Commerce and Industry (Mr. ole Oloitipitip): Mr. Speaker, Sir, this is a fact. If any member of the public wants a valuer today in his district, he will get one. He can get a valuer for any premises that are surrendered by any "quit" notices by Asians, by anybody. Mr. Speaker, Sir, this is a fact, and I think that in Kajiado—

The Speaker (Mr. Slade): I am not quite clear what fact you are alleging, Mr. Oloitipitip. Are you alleging that there is a valuer permanently stationed in every district, or that valuers will visit districts if required?

The Assistant Minister for Commerce and Industry (Mr. ole Oloitipitip): Mr. Speaker, Sir, what I am saying is that we have valuers who can visit every district to help the local man to have the premises valued.

Mr. Speaker, Sir, can I have one more minute?

The Speaker (Mr. Slade): No, I am afraid not. You have had your time.

The Assistant Minister for Commerce and Industry (Mr. ole Oloitipitip): Mr. Speaker, Sir, I know my Minister will decide what line to take on this Motion but I think it is very unnecessary.

Mr. Karungaru: Mr. Speaker, Sir, I also would like to support the intentions of this Motion because we have been told by the Assistant Minister that we do have some valuers in the country

[Mr. Karungaru]

but we fail to understand what kind of valuers they are and how many cases they have dealt with, and whether we are talking about the value of buildings or the value of the goods. Mr. Speaker, we are tired of some of the Ministers here, Ministers like the last speaker who only tried to keep the House busy with nothing other than arid speeches—

The Speaker (Mr. Slade): Order! You are going a bit too far, I think. We do not generalize in that way about each other in this House. You can comment on a particular speech as not being of any great value, but you do not generalize just as you have done.

Mr. Karungaru: Mr. Speaker, he has made a very dry speech only a few minutes ago, very dry indeed.

The Speaker (Mr. Slade): It would be all right if you referred to a particular speech and said why you thought it was of little value; that would be all right. But you were going much wider than that in the description of the hon. Member's contribution to this House.

The Assistant Minister for Commerce and Industry (Mr. ole Olotipiti): On a point of order, Mr. Speaker, I seek your guidance on this one. I think I have spoken just like any other Member here and—

The Speaker (Mr. Slade): Order! If you are complaining of what he said, I have already dealt with it and you need not say any more.

Mr. Karungaru: Mr. Speaker, I will now leave the last speaker because I do not have any quarrel with him.

I sincerely sympathize with the Minister for Commerce and Industry because the last thing I would say is that the Ministry is acting most unfairly towards our country. I would not like to say this because, perhaps, the Minister would say, this and that. That much is known, but here, Sir, we are concerned with the help that we can give to our people. No one can convince people today that the Act we passed in this House is doing good to our people. It is not, and we are here to tell the Minister that the Act is not working properly. If the Act is working properly, then we would like him to tell us why a "quit notice" is being issued today and withdrawn tomorrow.

The Speaker (Mr. Slade): Is this a good time, perhaps, to break off, Mr. Karungaru?

Mr. Karungaru: Yes, Sir.

ADJOURNMENT

The Speaker (Mr. Slade): It is time for the interruption of business. The House is adjourned until Tuesday, 24th June, at 2.30 p.m.

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

WRITTEN REPLY TO QUESTION

Question No. 264

MISCONDUCT BY TEACHERS: CASES OF

Mr. Kebaso asked the Minister for Education:—

(a) Would he give a breakdown for the years 1966, 1967 and 1968, according to districts, of the number of teachers who had been involved in cases of indecent assault on schoolgirls or who had been in any way immorally involved with schoolgirls.

(b) How many of these had been dismissed and how many had, so far, been reinstated in the teaching profession.

The Minister for Education (Dr. Kiano):

(a) Breakdown of indecent assault upon schoolgirls by teachers:—

| | 1966 | 1967 | 1968 |
|----------------------|-----------|-----------|-----------|
| NAIROBI | 4 | Nil | Nil |
| CENTRAL PROVINCE: | | | |
| Nyandarua | 1 | Nil | 8 |
| Kirinyaga | 2 | 1 | 1 |
| Nyeri | 1 | Nil | 1 |
| Murang'a | 4 | 2 | 7 |
| Kiambu | 13 | 5 | Nil |
| COAST PROVINCE | | | |
| Kwale | — | 1 | 1 |
| Mombasa | — | Nil | 1 |
| EASTERN PROVINCE | | | |
| Embu | 6 | 1 | Nil |
| Meru | 4 | Nil | Nil |
| Machakos | 5 | Nil | Nil |
| NYANZA PROVINCE | | | |
| Gusii | 1 | Nil | 2 |
| Kisumu | — | Nil | 2 |
| Siaya | — | Nil | 2 |
| Kisumu Municipality | — | Nil | 1 |
| RIFT VALLEY PROVINCE | | | |
| Central Rift | 7 | Nil | 2 |
| Kitale | — | — | 1 |
| WESTERN PROVINCE | | | |
| Kakamega | 14 | 3 | 3 |
| Bungoma | — | 1 | 1 |
| Busia | — | Nil | 3 |
| TOTAL | 64 | 14 | 36 |

[The Minister for Education]

Districts which do not appear on the list were not involved. In some cases, it is not possible to show the district breakdown for 1966 because, at that time, records were kept by provinces rather than by districts.

(b) All these teachers were dismissed from teaching. Such teachers would only be reinstated to teaching after they have completed at least two years since dismissal and if they make applications supported by prospective employing authorities. Two out of 64 teachers dismissed in 1966 have been reinstated to teaching.

Tuesday, 24th June 1969

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

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

PRAYERS**COMMUNICATION FROM THE CHAIR****PRESS STATEMENTS ON MATTERS BEFORE THE HOUSE—AN ABUSE OF PARLIAMENT**

The Speaker (Mr. Slade): Hon. Members, it was only a short time ago that, in a Communication from the Chair concerning a Press statement by a Government spokesman, I reminded you that no debate which is taking place here should be pursued by any hon. Member outside this House, whether in the Press or otherwise.

Therefore, I am more than surprised to see that today, when we are about to debate the Financial Statement on the Annual Estimates, Mr. Odinga has seen fit to publish in the Press, by way of a Press conference, his comments on that Financial Statement, which should have been reserved for the debate in this House.

I say again that such conduct by hon. Members is, in effect, contempt of their own Parliament, and I trust that Mr. Odinga will make a suitable apology.

I see Mr. Odinga is not here, but I hope that his colleagues will convey this message to him and require him to make the appropriate apology as soon as he appears in the House.

ORAL ANSWERS TO QUESTIONS*Question No. 278***MINISTERS VISITING NYANZA PROVINCE**

Mr. Ondiek-Chillo asked the Minister of State President's Office to state—

- (a) how many Government Ministers had paid official visits to Kisumu, Siaya and South Nyanza Districts during the long recess of Parliament;
- (b) had there been any donations given to any self-help projects in those areas during the visits; if so,
- (c) what had the amount donated been to each district.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, on behalf of the Minister of State I beg to reply.

(a) A total of nine Government Ministers paid official visits to Kisumu, Siaya and South Nyanza Districts during the long recess of Parliament.

(b) Yes, Sir.

(c) The amount donated during these visits was either in the form of money or material for building the projects, and was as follows:—

- (i) Sh. 300;
- (ii) Sh. 100;
- (iii) Iron sheets to cover one headmaster's house at one of the self-help secondary schools;
- (iv) Material enough for roofing one cottage Harambee hospital;
- (v) 100 iron sheets for one Harambee secondary school.

It should be noted, however, that these were personal donations.

Mr. Ondiek-Chillo: Arising from that answer, could I hear from the Minister, with regard to the nine Government Ministers who paid visits, how many visited Kisumu, how many visited Siaya, and how many visited South Nyanza? In other words, could he actually give the breakdown?

Mr. Mboya: Yes, Sir, I could. Details of the visits were as follows: On the 6th April 1969, the hon. Sagini and the hon. Moi visited Sindo Health Centre. On the 18th April, the hon. Mboya visited Tonga Mission.

An hon. Member: Who is Mboya?

Mr. Mboya: The one speaking. On the 2nd April, the hon. Mboya, the hon. Ayodo, and the hon. Odero-Jowi, on their way to attend a Kanu conference, also visited the district. That was South Nyanza District.

Now, Kisumu District: the hon. Mboya visited the Teachers' Union in Kisumu. The hon. Sagini visited the Municipality of Kisumu. The hon. Kibaki visited the Kisumu Chamber of Commerce. The hon. Malinda visited settlement schemes in Muhoroni. The hon. Mungai, the hon. Odero-Jowi, the hon. Ayodo, the hon. Ngei and the hon. Ngala also visited the district.

Siaya District: the following Ministers also visited the district: the hon. Ngei, the hon. Sagini, the hon. Otiende, the hon. Odero-Jowi, the hon. Mungai, and the hon. Mboya on several occasions.

Mr. Jamal: Mr. Speaker, Sir, would the hon. Minister not agree with me that while some Ministers have been very good in visiting these districts quite frequently, there are some Ministers who do not visit it at all?

Mr. Mboya: Mr. Speaker, it is true that not all Ministers have been able to visit all the districts throughout the country, and ministerial visits must

[The Minister for Economic Planning and Development]

be based on being able to go to perform some function. I do not believe that it can be said there was a Minister who had some work to do in those districts who failed to go and do that work.

Question No. 212

TWO DISTRICT OFFICERS FOR NYAMBENE DIVISION

Mr. Thimangu-Kaunyangi asked the Minister of State, President's Office, if due to the size and population (230,000) of Nyambene Division in Meru District, the Minister would consider, in the interests of quicker development, stationing another district officer in Nyambene Division so that one district officer would be in charge of Nyambene North while the other would be in charge of Nyambene South.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, I beg to reply. The Government is aware of the problems in Nyambene Division in Meru District, but, owing to the financial limitation, the division cannot be split in two right now. However, it is expected that some time in future, this may be possible.

Mr. Thimangu-Kaungangi: Mr. Speaker, Sir, would the Minister tell the House how much in the future, a year's time, two year's time, three year's time?

Mr. Mboya: Mr. Speaker, Sir, in the future.

Mr. Mate: Mr. Speaker, Sir, arising from the Minister's answer, is it possible to persuade the other departments to have their officers in the southern part of Nyambene Division, since, at the same time, there are other officers who could be stationed there even if we have to wait for a district officer?

Mr. Mboya: Mr. Speaker, Sir, I had a problem in understanding what the hon. Member was saying. Perhaps he would repeat it.

Mr. Mate: Mr. Speaker, since the other departments, maybe education, agriculture or any other department, community development has staff—not necessarily the administration—would it be possible to centralize them at Nyambene for example in the southern part of the division as a move towards having a district officer at Nyambene?

Mr. Mboya: Mr. Speaker, if you understood the question, would you repeat it to me?

The Speaker (Mr. Slade): I am afraid I did not, so we will have to leave it.

Question No. 279

TEACHERS AND STUDENTS HELP IN AUGUST CENSUS

Mr. Ondiek-Chillo asked the Minister for Economic Planning and Development if he would tell the House whether:—

(a) Students and teachers would be given the chance to take part as enumerators in the census to be held this August.

(b) If so, whether priority in selection of enumerators could be given to poor students so that they could be paid something which would help them pay their school fees or which would give them some pocket money.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, I beg to reply. (a) Enumerators and supervisors in the August census will be recruited primarily from among teachers. If enough teachers are not available, older students will be employed.

(b) Instructions on recruitment given to the district census officers take into account the requirements of the census. As conditions vary from one area to another, it would not be desirable to lay down any priorities except those relating to the requirements of the census.

Mr. Ondiek-Chillo: Why would it be impossible actually to give priority to poor students who are not actually able to raise school fees for themselves? This is just a way of helping them. What is the impossibility so far?

Mr. Mboya: Mr. Speaker, Sir, I sympathize with the point made by the hon. Member, and in fact, every effort will be made to try and assist those students who are in difficulties but, I think the hon. Member will agree that, administratively, it may be difficult always to be sure, which students are deserving or not. However, the district census officers will try to do this and help the students.

Mr. Mbogoh: Mr. Speaker, Sir, while the Minister will be helping the poor students, will he also bear in mind the fact that there are many teachers, let us say, expatriates and Peace Corps, who will not understand local languages, and therefore it would be better to keep the list of those people who would be enumerators, and instead help the local unemployed people by employing them in the enumeration of the voters?

Mr. Mboya: Mr. Speaker, I do not understand the hon. Member's question because I am not aware that any members of the Peace Corps, are being asked to carry out the census.

Mr. Mwithaga: Mr. Speaker, Sir, do we take it now from the Minister that there are no Peace Corps teachers in the country, who would equally qualify like the local teachers to be enumerators?

Mr. Mboya: Mr. Speaker, Sir, enumerators must be people who can speak to the villagers in the areas they are going to carry out the census, and I have said that the regulations bear in mind the needs of carrying out the census effectively. This must imply knowledge of language, otherwise it is not possible to comply with the requirements of the regulations, and I thought, Mr. Speaker, Sir, that the hon. Member who first asked the question understood this so clearly that it is why I said I did not understand what he was talking about.

Question No. 230

AID FOR TEA GROWERS

Mr. Godia asked the Minister for Agriculture to tell the House, whether, since very many tea growers were now experiencing financial hardship in the maintenance of the tea farms, the Minister would arrange loans for such farmers on the security of the tea already planted.

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

As you know, the Authority has no funds for giving loans to growers; however, there is no reason why growers cannot apply for loans to the Agricultural Finance Corporation, or to other financial institutions in the same way as other farmers.

Mr. Godia: Mr. Speaker, Sir, arising from the Minister's reply, is he not aware that the small-scale farmers, many of whom have not had their title-deeds, should be considered for loans by any of those firms?

Mr. Murgor: Mr. Speaker, Sir, what I have said here is that it is the Government's policy—and if the hon. Member wants to check this I can assure him that this is so—each case will be dealt with on its merit and is considered sympathetically.

Mr. Godia: Mr. Speaker, Sir, can the Minister now assure the House, that any small-scale farmer, who is a tea grower, and who wishes to apply for a loan in order to develop his tea, would be given that loan on security of the tea itself?

Mr. Murgor: Mr. Speaker, Sir, everybody will be considered on his merit.

Question No. 231

INCREASED PRICES OF LEAF TEA

Mr. Godia asked the Minister for Agriculture to tell the House, whether he would consider

the possibility of increasing the cost of tea leaf by 10 cents per lb., in order to enable the tea growers to meet their commitments.

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

The other day, when answering Question No. 262 asked by the hon. Member for Butere, Mr. Shikuku, I mentioned a few things which reflected the ultimate money paid to the growers, and I will quote. "All the tea produced in Kenya is either sold on local auction in Nairobi, or in London auction where it fetches a price in accordance with its quality and demand for it."

Now, in answer to the question asked by the hon. Member for Hamisi, Mr. Godia, I will say that, this price fetched in auction partially determines the final money paid to the grower. The Minister for Agriculture, therefore, cannot determine, or increase payment at all. With the last two years—and I repeat what I said the other day: The forty cents paid to the grower for each lb. of green leaf supplied to the factory is not the final payment. There is usually a second payment at a level which has risen in the last two years, of twelve cents per lb. This is dependent on the profit made by the factory on selling the tea which has been processed. This final payment will always depend on the price which was obtained at the auctions and the economy of each factory. At present, the world market for tea is not very favourable, and it is hard to think in terms of greater payments to the grower. However, the Government is awaiting a report from a working party which is looking into the matter, and it is hoped that the report will be available soon.

Mr. Godia: Mr. Speaker, Sir, arising from the Assistant Minister's reply to the effect that there is a working party working on the prices, could the Minister tell the House, how the views of the tea growers would be considered by this working party. In what way would the views of the tea growers be heard by this party?

Mr. Murgor: Mr. Speaker, Sir, I would ask the hon. Member to be patient. As soon as this report comes, it will satisfy him.

NOTICE OF MOTION FOR THE ADJOURNMENT

MATTER OF REPLY TO QUESTION NO. 131: INCREASED PRICES FOR LEAF TEA

Mr. Godia: On a point of order, Mr. Speaker, in view of this Question which was very, very badly answered, may I be allowed to raise it as a Motion for the Adjournment.

The Speaker (Mr. Slade): You do not have to ask my permission if it is your question.

*Question No. 272*NUMBER OF PATIENTS AT UKWALA
HEALTH CENTRE

Mr. Odero-Sar asked the Minister for Health if he would tell the House—

(a) what the daily attendance of patients at Ukwala Health Centre was;

(b) whether that number did not qualify the health centre to become a cottage hospital.

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

Mr. Obok: Mr. Speaker, Sir, before the Minister gives his reply, he should, first of all, apologize to the House, because, this Question appeared on the Order Paper on Friday morning and he was not there. He must apologize to the House, and tell us why he was not here or his Assistant Minister.

The Speaker (Mr. Slade): It is quite correct, Mr. Otiende. It was on the Order Paper and it was not answered.

The Minister for Health (Mr. Otiende): Mr. Speaker, Sir, it was not due to my absence. The reason why this question was not replied to, was that papers containing the reply were missing in the office and were later found, and—

The Speaker (Mr. Slade): In support of that, I do know that the Assistant Minister was hunting frantically round for the appropriate papers at the time the Question came up.

The Minister for Health (Mr. Otiende): I am sorry for that inconvenience to the hon. Member, but that is what actually happened: we had a change of staff in the office.

Mr. Speaker, Sir, I beg to reply.

(a) The daily attendance of patients at Ukwala Health Centre is 188.

(b) The number of out-patients attending at Ukwala Health Centre is not a criterion for turning the centre into a cottage hospital.

The Ministry intends to build a new hospital a very short distance away at Siaya, the capital of that district, in the near future, subject to the funds being available, which will serve the surrounding areas including Ukwala.

Mr. Odero-Sar: Mr. Speaker, Sir, while appreciating that the Minister is considering building a District Hospital in Siaya, will he tell the House, whether this is within the Development Plan.

Mr. Otiende: Mr. Speaker, Sir, Siaya District Hospital was built out of need—not from

Development Plan—because of sleeping sickness appearing in that area. Now the Government has put it in the next Planning period 1971/74.

Mr. Ondiek-Chillo: Mr. Speaker, Sir, if there was a need—and there is still a need—for a District Hospital to be built at Siaya, and this being a case that Central Nyanza was being split into two, so that Nyando part could be developed, why is this not in the Development Plan 1969/70—Siaya District Hospital is not included? Is this not discrimination in a way?

Mr. Otiende: Mr. Speaker, Sir, there is a hospital at Siaya of a sort—and we are improving on that one, until such time as we have money for major development. We are building extra wards there soon, and we are now building the kitchen and the laundry. Surely, the hon. Member cannot ask for anything more to be added?

Question No. 273

WATER FOR NANGINA MISSION HOSPITAL

Mr. Odero-Sar asked the Minister for Health to tell the House whether the Minister was aware of the fact that in Nangina Mission Hospital there was not enough water supply to cater for the hospital.

The Minister for Health (Mr. Otiende): Mr. Speaker, Sir, I beg to reply. No, Sir, in any case I am not aware of the shortage of water at Nangina Hospital. As far as I am concerned, there is enough water there to cater for the hospital; and, as such, I know that there is water all the year round. The allegation from the hon. Member for Ugenya, is not really justified.

Mr. Odero-Sar: Mr. Speaker, Sir, will the Minister tell the House how the water is being supplied, because in the hospital they can only use water when there is rain, from the rainwater storage tanks?

Mr. Otiende: Mr. Speaker, Sir, I am surprised because I have been there and I know that there is a water supply which supplies Chanina Market as well as Nangina Hospital. If I might enlighten the hon. Member: in April 1969, a new six horse-power Lister engine was installed to replace the smaller one which was there before, and there is more than enough water being supplied to Nangina Hospital.

Question No. 213

MEDICAL SERVICES IN MERU

Mr. Thimangu-Kaunyi asked the Minister for Health to tell the House when, since the medical facilities in Meru were very poor, the Minister would make a tour of the district to assess the problem on the spot.

The Minister for Health (Mr. Otiende): Mr. Speaker, Sir, I beg to reply. Mr. Speaker, shall I say that this is the third time this question has come up in this House, and sometime, early this year, I made a very exhaustive reply to this question but I see it has come up again.

It is not true to say that all medical services in Meru are poor. I do not understand what the word "poor" means here. It is also very wrong to make such a sweeping statement like this one. The hon. Member from Nyambene South should at least appreciate the work which is being done in that area by Government and Mission hospitals alike in providing medical services for the public. They are basic services I agree, but, if somebody wants amenity services he can pay for them elsewhere, but these are basic services and public health services. The Minister for Health has visited Meru Hospital—not recently—but in view of the two-worded question, the Director of Medical Services was at Meru also early last week to inspect the hospital's facilities and we have a report. However, he does not agree that the services are poor. Neither are the services in the health centres poor, they are district services, curative services and preventive services.

Mr. Thimangu-Kaunyangi: Mr. Speaker, Sir, knowing that it is only last week when the Minister agreed that most of the Mission hospitals were almost collapsing financially, and knowing that Meru District mainly depends on those, and that the Meru District Hospital itself caters for Meru and Isiolo and the other northern parts; would he agree with me that it would be true to say, they are very poor, and that the facilities are not at the moment adequate, and especially there is a shortage of staff?

Mr. Otiende: Mr. Speaker, Sir, some time ago, in answering a question, I did give to the House a list of the staff available in Meru Hospital. I stated that the staff was basic, we have no specialists in that area, and we have mostly general practitioners. However, I did say that it was enough and it was comparable to any other part of the Eastern Province or Kenya.

I can now say that since then we have improved on the staff position. Whereas there was one doctor, now there are two, full-time, and we have increased the number of nurses and other staff.

I would like to say, however, that because of the heavy population of that area, I am sure there is a demand for better services. We shall only improve Meru as we do get more staff from our training services. I agree that the services in that area are basic, but I cannot call them poor because they are fulfilling a need.

As far as the health centres are concerned, Mr. Speaker, we have helped them with a lot of money. In fact, they have had a fair share of the money that we get each year, for all services in Meru.

Question No. 252

FACILITIES AT AND AID TO MUTOMO MISSION HOSPITAL

Mr. Mbai asked the Minister for Health if he would tell the House—

- (a) in view of expansion of Mutomo Mission Hospital and the facilities there for surgery, whether he would, through the World Health Organization Assistance Programme, consider assisting the hospital by providing an abundant and constant water supply;
- (b) how much total grant-in-aid, if any, the Mutomo Hospital had received from the Government since 1966.

The Minister for Health (Mr. Otiende): Mr. Speaker, Sir, I do not know whether the hon. Member is referring to Mutomo Hospital or Mutono Hospital?

I hear him say it is Mutomo Hospital, so I beg to reply.

Mutomo Hospital, Kitui South, is a Catholic Mission Hospital. There is no need for this Ministry to consider providing a water supply to Mutomo Hospital, because there is already an adequate and readily available water supply nearby provided by the Kitui County Council from the Tiva River. So far, no complaints have been received by the county council concerning the water supply being inadequate. As a matter of fact, the hospital is provided with 10,000-gallon storage tank.

With regard to (b), Mutomo Hospital has received the following capital grants:—

1967-68 Financial Year—£1,800 for X-ray plant.

1968-69 Financial Year—£750 for staff housing.

Mr. Mbai: Mr. Speaker, Sir, arising from that reply from the Minister, would he note that although there is a water supply to this hospital, it is far from adequate, and what I am now asking the Minister to do is to try to assist the hospital to have an extra water tank and a bigger Lister engine so as to help the hospital get a constant flow of water to the hospital to enable it to function without difficulties?

Mr. Otiende: Mr. Speaker, the request will be considered if it is forwarded to my Ministry.

*Question No. 274***WORKING OF KISUMU COUNTY COMMISSION**

Mr. Odero-Sar asked the Minister for Local Government if he would tell the House if he was aware that Kisumu County Commission had failed to split Kisumu County into two councils.

The Assistant Minister for Local Government (Mr. Njiiri): Mr. Speaker, Sir, I beg to reply. No, the Minister is not aware that the commission is not doing very well with regard to the county council. If I could bring to my hon. friend the details, I could quote, in short, how much the commission has been doing so far.

The Speaker (Mr. Slade): I think it is only a question of splitting the county into two.

The Assistant Minister for Local Government (Mr. Njiiri): Mr. Speaker, the Ministry is not aware of the failure of the commission to split the county into two.

Mr. Odero-Sar: Mr. Speaker, Sir, will the Assistant Minister tell the House why they have failed to split the county council into two, because they were given two years to do this and the time is now almost over?

Hon. Members: It is overdue.

Mr. Njiiri: Mr. Speaker, Sir, the division is still going on because the division of the assets must be carried out by the Commission before the wider Commission is set up.

Mr. Jamal: Mr. Speaker, can the Assistant Minister tell the House how long it will be before this county is split into two?

Mr. Njiiri: Mr. Speaker, at present the two county councils are working separately and are looked after by the Commission.

An hon. Member: Where? Who told you that?

Mr. Njiiri: The only problem is the financial problem and that is the question of grants to start building the Siaya Headquarters. This will be done as soon as we get the loan.

Mr. Obok: On a point of order, Mr. Speaker, the Assistant Minister is completely out of order in telling the House that we have two county councils operating separately, one at Siaya and one at Kisumu. It is not at all—

The Speaker (Mr. Slade): Order! Order! Mr. Obok. He is not out of order in saying so. You can ask a supplementary question if you like.

Mr. Bala: Mr. Speaker, Sir, while everybody from Kisumu and Siaya District know that the Commission is running the council, is the Assistant Minister right to say that the two county councils are working separately when we

know that the councillors have not been elected, and the Commission is running the whole former County Council of Central Nyanza District?

Mr. Njiiri: Mr. Speaker, Sir, the hon. Member should know that before we had one district commissioner but at present, on the Commission, we have two district commissioners, one from Siaya and the other from Kisumu. Further, before we had one education officer and now we have two, one from Siaya and the other from Kisumu. The accounts are kept separately. Therefore, Sir, the question of saying that the councillors, this is the division of the areas which will be carried out by the Commission. As far as this is concerned, at present they are working entirely separately.

Mr. Sijeyo: Mr. Speaker, Sir, can the Assistant Minister tell this House the names of the clerks to the county councils, and the Chairmen of the Commissions for the County of Siaya and Kisumu Districts?

Mr. Njiiri: Mr. Speaker, Sir, the hon. Member should know that we have only one Commission and that Commission is served by the Clerk to the Commission. I never said that there were two Commissions.

The Speaker (Mr. Slade): I think I might help hon. Members here. There seems to be some confusion. What the Assistant Minister is telling us is that there cannot be two councils, or even one council, until the Commission has finished its work. Really, your Question is, when will the Commission finish its work.

Mr. Ondiek-Chillo: Mr. Speaker, Sir, arising from the Assistant Minister's reply, and with the indication which he has given to the House, that his work as Chairman of the Commission is almost coming to an end, could he now tell the House when he is going to hand over to the right people who will actually run the affairs of the Kisumu County Council, I mean the elected members of Siaya and Kisumu?

Mr. Njiiri: Mr. Speaker, the Commission will report to this House—

Hon. Members: When?

Mr. Njiiri: —as soon as it finishes its work.

*Question No. 251***TRAINING IN PRIVATE COMMERCIAL SCHOOLS**

Mr. Mbai asked the Minister for Education if he would tell the House by what method the Minister checked whether the training given to Kenyans by private commercial training institutions in Kenya was up to the proper and required standard and was not exploitation.

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

Private commercial training institutions are subject to inspection by my Ministry's inspectors, just as any other educational institution in the country, whether Government-maintained, *Harambee* or private. Frequent inspection of these institutions is made as a way of ensuring that the students in these institutions receive good education in return for fees paid.

The standards of teachers and their qualifications are always checked by the inspectors of the Ministry and those found unqualified have their certificates withdrawn. This was agreed to by the National Association of Unaided Schools. Any schools which are below the national standards may be closed.

Mr. Mbai: Mr. Speaker, Sir, would the Assistant Minister tell this House, how many of these commercial institutions have so far been found not complying with the standards, and as such have been closed down as he has indicated?

Mr. Khasakhala: Mr. Speaker, Sir, as far as I am concerned, or my Ministry is concerned, we closed quite a few last year. For example, the Educational Guild, which was operating in Western Province, was closed because of inefficiency and many others. That is one example.

Mr. Gatuguta: Mr. Speaker, Sir, could the Assistant Minister assure this House that the fees charged in these commercial schools, are really fair? Does he not believe that the students are being exploited by being charged exorbitant fees?

An hon. Member: Without teachers being provided?

Mr. Khasakhala: Mr. Speaker, Sir, I do not know what one would consider as fair. However, before you send your students to any institution, you have to ask and know whether you are able to pay the fees required. You are not forced to send any student to any school where you consider the fees unfair, and because people are taking their children to these schools, Mr. Speaker, I consider that the fees are fair.

Mr. Muliro: Mr. Speaker, Sir, will the Minister not agree that because of the desire by many children, parents may tend to send their children to these schools to get education, and so children and parents are being exploited in private schools?

Mr. Khasakhala: Mr. Speaker, that is a supplementary question to the other question which I have just answered. The fact here is that, Mr. Speaker, any private institution is a private institution. Our duty as a Ministry, is to check on

the standards. Now, when it becomes a question of the fees, the parents can organize themselves and approach the Government—whether the fees are high or low—for the Government to consider.

Mr. Kago: Mr. Speaker, Sir, to help these private students, and also the private institutions, is the Ministry prepared to work out a national syllabus, according to the needs of Kenya, to supply to these institutions, and also set up a frequent examination, within that syllabus, so that we can have uniformity in the standards and knowledge acquired in these schools?

Mr. Khasakhala: While I agree very much with the hon. Member, the facilities are not confined to my Ministry. Any private secondary school, Mr. Speaker, is allowed to approach any of our provincial education officers, or inspectors, for the syllabuses required to be taught or used at secondary level. Now, if it is a secretarial college and other commercial colleges, we have Pitman's which has set up a syllabus. However, if it is a matter to be considered, Mr. Speaker, we also have got the Government secretarial college which could assist in this matter. If any institution runs into difficulties and approaches my Ministry we will do all we can to assist it.

The Speaker (Mr. Slade): Next question.

Question No. 291

TRANSPORT FACILITIES FOR WEST POKOT TEACHERS

Mr. Lorimo asked the Minister for Education if he would tell the House—

(a) in view of the fact that teachers in some other areas of Kenya were given transport facilities when they were transferred from one school to another, why was it that teachers in West Pokot District were denied this right; and

(b) why did they have to walk to Kapenguria to collect their salaries.

The Assistant Minister for Education (Mr. Khasakhala): Mr. Speaker, Sir, I beg to reply. Teachers who incur travelling expenses while on transfer from one school to another can claim reimbursement for these expenses, provided they can produce receipts to support their claims. This right has not been denied to the teachers of West Pokot as stated by the hon. Member. Where a local authority can spare vehicles to transport the personal effects of teachers this alternative method of assisting teachers on transfer is also used. As many local authorities have an inadequate number of vehicles, teachers are expected to hire private transport or use public buses and then submit receipted claims.

[Mr. Khasakhala]

Teachers who have decided to have their salaries paid in cash rather than through the banks are supposed to collect their salaries at certain centres as it would be impracticable to visit all schools and pay the teachers at schools. There are six such centres in West Pokot and Kapenguria is one of them.

Mr. Lorimo: Mr. Speaker, Sir, arising from that answer, that teachers who incur travelling expenses, while on transfer from one school to another, can be reimbursed and that teachers are expected to hire private transport, what consideration is the Minister giving to teachers in West Pokot where there are no buses or private vehicles?

Mr. Khasakhala: Mr. Speaker, Sir, where there are no buses or such private vehicles, we can pay them foot allowance.

Mr. Lorimo: Mr. Speaker, will the Minister tell me, arising from that answer, now that the Ministry is prepared to pay them foot allowance, what are the scales for foot allowance?

Mr. Khasakhala: I made it clear, Mr. Speaker. The reason why I tried to answer to hon. Member is that we know that we pay our local councillors foot allowance. However, I made it very clear that any teacher who is going on transfer, and has used a public vehicle, hired or used any other means of transport, can be reimbursed if he produces the receipt. I wonder whether one can produce a receipt for foot allowance?

Mr. Kassa-Choon: Mr. Speaker, Sir, arising from part (b), of the question, will the Assistant Minister tell us which are these six centres which he has mentioned because every teacher in that district, Mr. Speaker, who draws his salary in cash, has to go to Kapenguria. Will he mention a few of the others and tell us how many times has the education officer visited these centres?

Mr. Khasakhala: Mr. Speaker, Sir, the education officers, at given time of the month, visit these places, in West Pokot; Kapenguria for schools around about the station; Chepareria for schools around about that centre, for schools in the neighbourhood, and others situated in mountains, Sigor, and (Inaudible.). Those are the centres in West Pokot which are visited.

Mr. Lorimo: Mr. Speaker, arising from this unsatisfactory answer, is the Assistant Minister aware, that people in West Pokot are annoyed because teachers come to Kapenguria to collect their salaries, and the children are left there without anybody attending or teaching them? Steps

should be taken so that the education officer is transferred.

Mr. Khasakhala: Mr. Speaker, Sir, I think that is a very unfair question and statement by the hon. Member. The position—

Mr. Ekitella: On a point of order, Mr. Speaker, Sir.

The Speaker (Mr. Slade): No, Mr. Ekitella.

Mr. Khasakhala: Mr. Speaker, the position in West Pokot, let us accept it, is that we have to go out of our way to assist the people of West Pokot, and that is why we have give them these six centres for the county education officer to visit and pay the teachers. In other areas, we do not have such centres at all. People have to travel to the headquarters to receive their salaries but we have done this in West Pokot and given them six centres.

The Speaker (Mr. Slade): Next question.

Mr. Ekitella: On a point of order, this is very serious. My point of order is this, for your guidance, Mr. Speaker—

The Speaker (Mr. Slade): Order! Points of order are not for the guidance of the Speaker, they are usually seeking guidance.

Mr. Ekitella: On a point of order, Mr. Speaker, I am seeking your guidance, is the hon. Assistant Minister for Education in order not to tell us the right things? What do you think of teachers leaving our children lying idle just like rocks? What do you think of that?

The Speaker (Mr. Slade): No, Mr. Ekitella, you must learn some day what a point of order is, and what is not a point of order. I will not allow you any more points of order for quite a long time.

Next question. Mr. Lemein?

Mr. Lorimo: On a point of order. Mr. Speaker, I am seeking your guidance. A question of this kind, which still needs some other answers from the Minister, I know that I can ask it on a Motion for the Adjournment, but, can I, Mr. Speaker, with the leave of the House, raise it as a matter of national importance under Standing Order No. 20, because the matter is urgent?

The Speaker (Mr. Slade): No, Mr. Lorimo there is no question of raising this matter under Standing Order No. 20. That has to be a matter of extreme urgency requiring a decision within a matter of two days or so. It also has to be a matter of a very wide national importance. A matter of national importance is usually judged by the House, but I cannot allow the House to consider it unless it has a greater degree of urgency than this has.

Next question.

Question No. 286**NAROK COMMUNITY DEVELOPMENT VOTE**

Mr. ole Lemein asked the Minister for Co-operatives and Social Services if he would tell the House whether he would consider increasing Narok Community Development Officer's Vote, for self-help schemes from KSh. 10,000 (ten thousand shillings) to KSh. 20,000 (twenty thousand shillings) in the next financial year.

The Assistant Minister for Co-operatives and Social Services (Mr. Maisori-Itumbo): Mr. Speaker, Sir, I beg to reply. The funds for self-help projects are processed by the provincial community development committees which allocate the money to individual districts. Since the Members of Parliament are members of the above committees, the hon. Member should bring up this issue when the provincial community development committee meets next and stress the necessity of Narok District being allocated with more funds.

I should further point out that the Rift Valley Province was allocated with Sh. 210,000 during the current financial year, and that allocation of self-help funds is made on the basis of the number of self-help projects and their merits in the districts.

Mr. ole Lemein: Mr. Speaker, Sir, would the Minister consider increasing that amount for the less developed areas like Narok and others, especially Rift Valley, where there are 13 districts in that province? Will he consider to increase that amount?

Mr. Maisori-Itumbo: Mr. Speaker, the hon. Member might have known that other provinces normally receive about Sh. 140,000. In the case of Rift Valley, we gave them Sh. 210,000 in the last financial year, and therefore it is considered to be one of the largest provinces in the Republic, Mr. Speaker.

The Speaker (Mr. Slade): Let us go back to Mr. Kibuga's Question. Is any hon. Member authorized by Mr. Kibuga to ask his Question?

Question No. 289**GRADING OF C.P.E. EXAMINATION MARKS**

Mr. Godia, on behalf of Mr. Kibuga, asked the Minister for Education if he would tell the House why should Certificate of Primary Education marks, while being kept confidential, be the criteria for deciding who should go to secondary schools, whereas only grades A, B, C, D and E. were open for everybody to see.

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

Every examining body in the world keeps the actual marks scored by candidates somewhat restricted as far as the general public is concerned. Therefore, the results are made available to those who are able to interpret them for a particular purpose because they are not easy to interpret and would only create unnecessary queries and confusion. Kenya is not exempted from this practice. The risk of misinterpretation is the main reason for making the actual marks confidential.

Certificate of Primary Education marks are only confidential to the general public. Therefore, they are usually shown to the heads of secondary schools and teacher training colleges who are able to interpret them without difficulty for selection purposes. Therefore, only grades, A, B, C, D and E are open for everybody to see.

Mr. Kibuga: Arising from that reply, Mr. Speaker, Sir, is the Assistant Minister aware that in many cases there have been pupils who have been rejected under the pretext that they have not acquired enough marks, whereas others are accepted and yet their parents are not told what marks their sons or daughters obtained?

Mr. Khasakhala: Mr. Speaker, Sir, mistakes are human, but, any time a mistake is made, a correction is also made. Therefore, in places where headmasters have doubted the results of their own pupils, they have seen the Provincial Education Officer who is always given the marks, and the Provincial Education Officer has been able to help the headmasters of primary schools who have not been able to get the marks.

Mr. Kibuga: Arising from that reply, Mr. Speaker, Sir, could the Assistant Minister tell us why it is not possible to give the results in grades instead of marks; why use both?

Mr. Khasakhala: Mr. Speaker, Sir, marks are only used for selection for further studies and teacher training colleges. Grades are used in the certificates given to all the students.

The Speaker (Mr. Slade): Next question.

Question No. 290**EMPLOYMENT OF HEADMASTERS OF LARGE INSTITUTIONS**

Mr. Kibuga asked the Minister for Education if he would tell the House what allowances, if any, were given to headmasters and deputy headmasters of big educational institutions as—

(a) teachers employed by the Teachers' Service Commission; and

[Mr. Kibuga]

(b) teachers formerly employed by the Civil Service.

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

Headmasters and deputy headmasters who are employees of the Teachers' Service Commission are paid responsibility allowances in accordance with the terms of Sessional Paper No. 11 of 1967, on Teaching Service. The rates are as follows.

Primary schools: headmasters, a maximum of K£420 per year; deputies for primary schools with more than ten teachers established posts are paid K£24 per annum.

Secondary schools: headmasters, a maximum of K£960 per annum; deputies for secondary schools with more than five teachers established posts, K£36 per annum.

Teachers' colleges: principals of the colleges with less than 120 students are paid K£240 per annum; colleges with 120 students or more are paid K£360 per annum. Deputy principals: colleges with less than 120 students are paid K£90 per annum; and colleges with 120 students or more are paid K£120 per annum.

No responsibility allowance is paid to teachers who are civil servants.

Mr. Kibuga: Arising from that reply, Sir, would the Assistant Minister tell us in what way the teachers are employed as civil servants and who are working as headmasters and deputy headmasters, and what do they get, so as not to warrant them not getting allowances?

Mr. Khasakhala: Mr. Speaker, Sir, their terms of employment are different and this is quoted clearly in the terms.

Mr. arap Biy: Mr. Speaker, Sir, would the Assistant Minister clarify whether teachers in primary schools are counted as being trained or untrained, when he talks of a deputy headmaster is paid so much when teachers are trained? I think he understands the point.

Mr. Khasakhala: Mr. Speaker, I did not refer in my reply directly to a primary school, but I referred to the number of teachers in that school. Some schools without the number of teachers required do not get the headmaster's allowance.

Mr. Mwalwa: Mr. Speaker, arising from one of the answers by the Assistant Minister that some of the teachers are employed as civil servants, is it not true that all the teachers should be employed by the Teachers' Service Commission?

Mr. Khasakhala: Mr. Speaker, this happens to be there; there are two different terms of service

and these are well-known to this House, and the teachers are employed under these two terms of service.

The Speaker (Mr. Slade): Let us go on now.

Mr. Godia: On a point of order, Sir.

PERSONAL STATEMENT

REFERENCE TO MATTERS BEFORE THE HOUSE IN PRESS STATEMENTS

The Speaker (Mr. Slade): Yes, Mr. Godia, I know what you want to raise, but I think first I must ask Mr. Odinga if he has a Personal Statement to make with reference to my Communication from the Chair.

Mr. Odinga: Mr. Speaker, Sir, I am sorry that I was not in the House when you were making this statement. However, I should say that I did not give any Press Conference at all. What appeared in the Press today was a circular statement which gives the views of my party on the Financial Statement which was given by the Government in this House. This is what has appeared in the Press and, as such, it is not my personal views; my personal views will be expressed in this House. What has appeared in the Press is only the views of my party and my party executive.

The Speaker (Mr. Slade): Mr. Odinga, you may have been labouring under a misapprehension: you must understand now, if you did not understand before, that a Member of this House cannot allow himself to be associated in any way with public comment outside this House on a matter which is being debated here. You will recall, I think, my Communication concerning what was said in the Press by a Government spokesman on a matter which was the subject of debate here, and I resented that because Government represented in this House should not have been associated with it at all. In just the same way, this statement, actually attributed to your mouth, was completely out of order, whoever else was associated with you on it. I hope you understand that now, and will apologize for having done it.

Mr. Odinga: Mr. Speaker, with due respect to this statement which you have just made, you understand that my functions are more or less doubled in this particular respect. If you see the statement which was made, and the circular which went round, it refers to me as the President of KPU, not as Odinga, Member of Parliament and the Member for Bondo. If the statement came from me as the Member for Bondo, I would take the full responsibility for it, but I am taking full responsibility of this one as the President of KPU. The statement reflects the

[Mr. Odinga]

views of all the members of KPU at this time, now, and if anybody has misrepresented me by attributing it to me, as Oginga Odinga, I must say that I am not responsible for it and you must excuse me. It was not my own wish that they should make it as being my own views, because I did not mean it. If it was taken as that, I apologize and this is wrong; it should not have been that way.

The Speaker (Mr. Slade): That is all right to some extent, Mr. Odinga, but you still seem to think—and you are very mistaken if you do so think—that because you are head of some organization outside this House, you are entitled, in that capacity, to say things that you cannot say as a Member of this House outside. You cannot disassociate yourself in that way. You are Mr. Odinga, whether you are a member of this House or whether you are head of KPU. You cannot escape your obligations to the House in this way, and I hope you will say now that you understand it, although you will be forgiven for not having understood it before.

Mr. Odinga: Mr. Speaker, Sir, this is where I have also said that this applies to the Head of State of the country, because we have heard that I have also said that he should separate, himself from being the Head of State as well as being the head of Government and also being the head of Kanu—

The Speaker (Mr. Slade): Mr. Odinga, that is quite irrelevant unless you are referring to an occasion when the President, as a Member of this Parliament, made a public comment on a debate which was current in this Parliament. I am not conscious of his ever having done so. Please say you understand and then we will leave the subject.

Mr. Odinga: Mr. Speaker, I was trying, but I think that I have done what you wanted me to do. Have I not done what you wanted me to do, Mr. Speaker? I thought that I had made the statement which you wanted me to make.

The Speaker (Mr. Slade): As long as you say that you understand for the future, that being in another capacity does not excuse you.

Mr. Odinga: I do understand, Mr. Speaker.

NOTICES OF MOTIONS FOR THE ADJOURNMENT

MATTER OF REPLY TO QUESTION NO. 290: EMPLOYMENT OF HEADMASTERS IN LARGE INSTITUTIONS

Mr. Godia: On a point of order, Mr. Speaker, Sir, I have two points of order. The first is, with the permission of the questioner, I would like to

raise the matter of Question 290 on the adjournment: teachers' terms of service.

The Speaker (Mr. Slade): Mr. Kibuga, any objection?

QUESTION NO. 289: GRADING OF C.P.E. EXAMINATION MARKS

Mr. Kibuga: I have no objection, Sir, because I wish to raise the other one on the adjournment, Question No. 289.

NOTICE OF MOTION FOR THE ADJOURNMENT UNDER S.O. 20

CURRENT STRIKE OF EAST AFRICAN COMMUNITY CIVIL SERVANTS

Mr. Godia: Mr. Speaker, Sir, may I please be allowed, under Standing Order No. 20, to move the adjournment of this House in order to consider a definite matter of national importance regarding the effects of the threatened strike of the East African Community's 10,000 workers which comes into effect as of midnight last night and is reported in today's Press.

The Speaker (Mr. Slade): Order! Order! This is a point of order.

This strike by servants of the community is obviously a definite and urgent matter and it is of considerable national importance. Hon. Members are probably aware that this procedure of moving the adjournment of the House under Standing Order 20 can only relate to matters of administration for which our Government is responsible, and I did think, when Mr. Godia first approached me about this, that this was really the responsibility of the Community rather than our Government. However, I see that our Government is directly associated with it, having been actually associated in the negotiations and also I think having the power to declare the strike as illegal. Therefore, I must allow Mr. Godia to raise this if he has the support of the House.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, on a point of order, would it help the hon. Member if I gave him the information that at 1 o'clock last night the secretary of the union concerned announced the calling off of the strike?

The Speaker (Mr. Slade): It will help the hon. Members and help me, because it ceases to be a matter which is urgent, so it no longer arises today.

(Matter dropped)

COMMUNICATION FROM THE CHAIR BUSINESS BEFORE THE HOUSE AND ORDER OF

The Speaker (Mr. Slade): I would remind hon. Members that on the adjournment today Mr. Odinga is to raise the matter noted on the Order

[The Speaker]

Paper—perhaps it is not very clearly noted—which refers to the frequency of entry of *nolle prosequi* in criminal cases. The only thing, as I said on Friday, is that we shall not be able to take that if we have to run on until 7 o'clock in order to get a full three hours of debate on the Financial Statement. That depends how long we take on the two Procedural Motions. We will see whether we can start by 4 o'clock, but if not we shall have to sacrifice your matter, Mr. Odinga, to the Financial Statement debate. If we start later than 4 o'clock, well then we cannot get three hours anyhow and we might as well have your matter on the adjournment.

Mr. Lubembe: On a point of order, Mr. Speaker, I see that the Minister for Economic Planning has given information—we agree with Government collective responsibility—but since it is not only this strike; there is a Railways strike, there is a Kenya Civil Servants' strike, would it not be in order for the Member to be allowed to raise this matter of strikes on the adjournment, because it is very important for us and it is very important for the country, Mr. Speaker? The whole place is turning into a mess and we have to do something about it.

The Speaker (Mr. Slade): No, it is only the matter of the strike of the civil servants of the East African Community that I regarded of sufficient urgency to be raised today, and if I am right in understanding that the whole of that strike has been called off, then I do not think it is of sufficient urgency for this procedure.

Mr. Karungaru: On a point of order, Mr. Speaker, despite the fact that the Minister for Economic Planning has given this House information relating to the strike in question, supposing this information will not conform with whatever is now taking place, would it not also be in order for this House to be allowed to discuss this matter as a matter of national importance, perhaps tomorrow or another day?

Mr. Obok: Mr. Speaker, Sir—

The Speaker (Mr. Slade): Mr. Obok, you must not interfere when points of order are being dealt with.

If the Minister has misinformed the House that will be a very serious offence and would be a matter for discussion in itself. I do not know why you should assume he has, Mr. Karungaru.

Mr. Lubembe: On a point of order, Mr. Speaker, since the Minister has only said that the secretary-general has called off the strike, would it not be in order, even without a debate, for the Government to make a statement in this House as to what they have done about this strike?

The Speaker (Mr. Slade): The mere fact that the strike has been called off removes the urgency. The House might like a statement on the subject at some time, but there is no urgency to have it today.

PROCEDURAL MOTION**LIMITATION OF DEBATE: SPEECHES IN DEBATES ON FINANCIAL STATEMENT AND ON ANNUAL ESTIMATES**

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, I beg to move:—

THAT, each speech in the debate on the Financial Statement on the Annual Estimates shall be limited to 20 minutes for the Leader of the Opposition and 15 minutes for other Members speaking, excluding Mover's speech and reply.

Mr. Speaker, this position will improve upon last year's procedure, in that instead of hon. Members having ten minutes in which to speak, they will this time have an additional five minutes which gives them 15 minutes in which to speak on the Budget. The Leader of the Opposition has been given 20 minutes, which is the same as the case last year. It also gives him the opportunity to make a more detailed statement on behalf of his party.

Mr. Speaker, I beg to move.

The Minister for Information and Broadcasting (Mr. Osogo): seconded.

(Question proposed)

The Assistant Minister for Education (Mr. Khasakhala): Mr. Speaker, Sir, I rise to support this Motion. It is a mere procedural Motion. I think 15 minutes will be enough for hon. Members to express themselves in the Financial Debate, and it is good that we give the Leader of the Opposition his share, so that instead of using the Press, he is now able to speak his words here to us, and exploit the situation fully.

Mr. Speaker, I beg to support.

Mr. Ngala-Abok: Mr. Speaker, Sir, I wish to support this Motion which is self-explanatory. I think that we Members of Parliament are only going to say a few things which are important and which we would like to see implemented by Government before the next General Election. If Government cannot implement them, then the Government which comes back to power will do so when the time comes.

Mr. Speaker, Sir, for a Member of Parliament to be given 15 minutes in which to speak on a Financial Statement like this is reasonable, and also I think we would like to hear a full, detailed

[Mr. Ngala-Abok]

statement from the Leader of the Opposition in the 20 minutes he has been given. We would like him to comment in this House and tell the country exactly what his Government would do if ever that party formed the Government at all, as was in the Press today. I would listen very attentively and appreciatively if the Leader of the Opposition, within his 20 minutes, could take our Government to task, very reasonably, so as to expose his party's policies on this Statement.

I wish to support.

Mr. Bala: Mr. Speaker, Sir, I also would like to join my colleagues in supporting this Motion. I want to congratulate the Sessional Committee for the work which they have done in stepping up the time from ten minutes to 15 minutes. I think this is a very good development, and I hope by next year they are able to increase it from 20 minutes to 25 minutes, and then the following year it will probably go from 25 minutes to 30 minutes. As Members experienced in this House, they tend to get experience by speaking here in the Chamber, by developing reasonable points, whereby they are probably only able to enjoy 30 minutes after two or three years in this Chamber.

Also, we know very well that certain Members have been in this Chamber for a long time without making a speech, and there are certain Members who like to contribute here who can take their time. If we only want to distribute the time according to the Members of the House, it is evident that certain Members have only made a maiden speech when they first came here, they now keep quiet, they just come here and sit down for five minutes only to record their presence and get their allowances, but there are certain other Members who like to contribute—

The Speaker (Mr. Slade): I do not think that this is relevant.

Mr. Bala: Mr. Speaker, I would not like to go out of my way, but all the same the question of increasing the time from ten minutes to 15 minutes is a good improvement, and I hope the Sessional Committee will see to it that—

The Assistant Minister for Works (Mr. Godana): On a point of order, Mr. Speaker, this is merely a procedural Motion. I move that the Mover be called on to reply.

The Speaker (Mr. Slade): I think I should inquire whether any hon. Member wishes to speak against the Motion.

Hon. Members: No.

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

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, I am grateful to the hon. Members for their support, except the hon. Member who spoke last. He might like to pick up a book on economics, and read about what we call the law of diminishing returns.

(Question put and agreed to)

Mr. Bala: On a point of order, arising from what the Minister for Economic Planning just said, does he mean to impute an improper motive on the subject I was speaking about?

The Speaker (Mr. Slade): I do not think so, Mr. Okuto-Bala. He was just making a little gentle fun.

PROCEDURAL MOTION

EXEMPTION FROM STANDING ORDERS: PRECEDENCE OF VOTE ON ACCOUNT OVER FINANCIAL STATEMENT DEBATE

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, I beg to move:—

THAT, pursuant to Standing Order 137 (1), this House orders that the business of Vote on Account, shall be exempted on Wednesday, 25th June 1969, from the provisions of Standing Order which gives precedence to the debate on the Financial Statement.

The reason for this procedure, Mr. Speaker, is that the financial year comes to an end on the 30th June, and it is necessary that we approve the Vote on Account to facilitate the use of funds during the period the debate is taking place after the 30th June.

Mr. Speaker, I beg to move.

The Assistant Minister for Finance (Mr. Balala) seconded.

The Speaker (Mr. Slade): Hon. Members, this Motion seems to have got a little out of shape. It is "... pursuant to Standing Order 166 that the House orders ..." exemption, and the Standing Order from which the business has to be exempted is Standing Order 137 (1). I will propose the Question with that small amendment.

(Question proposed)

Mr. Ngala-Abok: Mr. Speaker, Sir, although I support this Motion as a matter of procedure, I would like the Minister, when replying, to state why we have to exempt business on that particular day, since Government knows very well that many of these Ministerial Votes have not been debated regularly in this Parliament for, I think, six-and-a-half years. We have been guillotining these Votes, just because the Budget Statement is made at the wrong time. Members are not

[Mr. Ngala-Abok] given sufficient time to discuss all the Votes pertaining to each Ministry critically. Now we are confronted with a Motion which will mean that we are going to pass, as a matter of urgency, because of the financial year ending on the 30th June, the Votes on Account for all the Ministries. It will not matter what Government may want to do. Government can still order Parliament to go home, to go in recess, to do farming—as they always tell us, as if they teach us what to do and how to farm—and then we shall discuss nothing more. This is tantamount to meaning that we do not need to debate the Votes as such. We shall have given the go-ahead for Government to spend the money. I think this is a matter which Government has to explain clearly to the country. It is not the responsibility of Members of Parliament to bring this Financial Statement and the Budget Debate so that we are asked, within a matter of four days, to pass all those Votes on Account and, then to give Government the go-ahead to spend the money.

Hon. Members: No.

Mr. Ngala-Abok: Some Members are saying “no” but once a Resolution of this House has been passed that all the Votes on Account can now be spent, Members of Parliament will have no more right to discuss them, as long as Government says, “All right, we will go into recess. We have been given permission to go ahead.” Every Ministry will spend their money, because they have been given permission to do so.

Now, Mr. Speaker, Sir, I am talking about this, but I support it because I just do not see any alternative. On the 30th June, Government will need money to spend and our financial year ends, and therefore we think we should support Government on this, but I think it is extremely wrong. We are not going to have a Government where many of these important Ministries such as Local Government, and so on, continue to spend money without their Vote ever being debated in Parliament here. Some of these Ministries have not even answered the questions they were supposed to answer when we debated their Votes on Account. Some of them just lie there, they have never even stood the chance—

CONSIDERED RULING

DESIRABLE DATE FOR PASSING A VOTE ON ACCOUNT

The Speaker (Mr. Slade): I do not wish to interrupt, but I do not think your argument is really relevant to this question of Vote on Account. It is laid down in our Standing Orders 142 (6):

that “Any Vote on Account shall be put down as the first business on the first of the Allotted days,” So it is actually prescribed in our Standing Orders that we do pass a Vote on Account, giving the Government half the money they require before we start discussing the particular Votes. That has always been the procedure, it is provided for in our Standing Orders.

The selection of Votes to be discussed as regards the remaining half of the money will remain open to the Sessional Committee as before. There is only one point I would make, and that is that Standing Orders say that the Vote on Account should be taken on the first of the Allotted Days which means after we have concluded debate on the Financial Statement and the Committee of Ways and Means voting the taxation the Government requires. It is most undesirable that the House should be asked to pass a Vote on Account before we have gone that far. This happened last year too. On both occasions I have had to suggest to the Minister for Finance that such a late date for the presentation of the Financial Statement produces this result. I know he has done his best, in consultation with the Ministers of the other territories and that he tried to get an earlier date, but he tells me that he has not succeeded; and you know they have to synchronize, so that is how this comes about.

(Resumption of Debate)

Mr. Ngala-Abok: Thank you very much, Mr. Speaker, Sir, I wish to end my speech, but I think that, much as I would like to support this Motion, as I said from the very beginning, the Government should be very careful, even if we are only giving them permission to spend part of the money. They should make sure that we shall debate as much as possible all the Ministries' Votes and that Parliament and the country will know and will put every Minister to task on each Vote so that we can understand what is going on in every Ministry.

That particular aspect of the matter you have explained Mr. Speaker, Sir, is a matter that I think should be better explained by the Government, because if it is a matter of our Standing Orders and the Government goes on by-passing it, then we shall not be very satisfied. If it is a question of synchronization, this one must be a matter that has to be explained to the other territories so that we can find out what to do about it. After all, we can make it a usual and normal procedure so that there is no struggle between our Speaker and the Minister for Finance.

With those few remarks I wish to support.

Mr. Shikuku: Mr. Speaker, I will not take as much time as the last speaker because this is a normal thing that we must pass the Vote on Account to give the Government some spending money. This being the procedure, it is quite welcome. I support it because it is something we must never let go without being supported. It gives powers to this National Assembly to allow any expenditure of public funds. This is where we come in, but when this is being violated, Mr. Speaker, and if the money can be spent without the approval of this House, that is where we get cross. Sometimes I wonder how serious hon. Members are because I can recall one day there was something they passed without knowing what they were passing and it was spent and they will have to live to pay for this some time. So I support, Mr. Speaker, very strongly, that this Motion should be supported, so that we give the money to the Government; we give authority for expenditure and we hope—and I hope I am not hoping against hope—that any expenditure, be it give cents or one cent, must be approved by this National Assembly. It is only in this way we can safeguard the funds of the public.

The Speaker (Mr. Slade): That is more relevant when we come to the Vote on Account.

Mr. Shikuku: I beg to support.

Mr. Jahazi: On a point of order, may I move that the Mover be now called upon to reply.

The Speaker (Mr. Slade): I think so. This is only a procedural question.

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

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, the points raised have already been dealt with by yourself, Sir. All I want to say to the hon. Member for Homa Bay is that rather than belabour the point of blaming the Government and always blaming somebody else he might like, one of these days, to take a little time and trouble himself to check on the Standing Orders.

The question of synchronization of our Budget is part of the co-operation between the three East African countries. We try very hard to persuade our colleagues in the partner states to see our problems, but they also have their problems and the only way we can reach agreement is by trying to accommodate each other. This year, unfortunately, the time agreed to for the Budget statements in the three countries has come very near to the end of the month of June which has given us the additional problem this year of having to move this procedural Motion even before we have taken the

general debate on the Budget statement. The Government regrets this inconvenience, but there is really no alternative and I am sure the hon. Members in the House will understand our predicament on this occasion. We take the points and we will continue to do our best to bring the dates of the Budget statement as early as possible in the month of June with the agreement of our colleagues.

As regards the other statements, you have ruled, Mr. Speaker, rightly, that the points made by the hon. Member for Butere should await the discussion of the debate on the Vote on Account. We will reply to them at that time.

Mr. Speaker, I beg to move.

(Question put and agreed to)

Resolved Accordingly:

THAT, pursuant to Standing Order No. 166, this House orders that the business of Vote on Account, shall be exempted on Wednesday, 25th June 1969, from the provision of Standing Order No. 137 (1) which gives precedence to the debate on the Financial Statement.

COMMITTEE OF WAYS AND MEANS

(Order for the Committee read)

MOTION

That Mr. Speaker do now leave the Chair.

(Minister for Finance on 19th June 1969)

(Resumption of debate interrupted on 19th June 1969)

(First Day of Budget Debate)

The Speaker (Mr. Slade): Hon. Members, I see that we will be able to get in three hours to complete a full day on this debate if we continue until nearly seven o'clock this evening, and I propose, therefore, we should sit until close on seven o'clock, say, for a full three hours, which means that we should not be able to deal with Mr. Odinga's adjournment matter today.

Mr. Okelo-Odongo: On a point of order, Mr. Speaker, Sir, the Leader of the Opposition asked me to take his 20 minutes. Will this be all right?

The Speaker (Mr. Slade): I think that will have to have the leave of the House because 20 minutes were given to him as the Leader of the Opposition. I will inquire if hon. Members object to this 20 minutes being taken by Mr. Okelo-Odongo—

Hon. Members: We object.

The Speaker (Mr. Slade): How many object?
(A number of hon. Members stood in their places)

The Speaker (Mr. Slade): There are many. There is only 15 minutes for you.

Mr. Okelo-Odongo: Mr. Speaker, Sir, I think I will be able to say what I wanted to say in 20 minutes in lesser time now.

Mr. Speaker, Sir, looking at the Budget Speech, I can see nothing new. It is the same monotonous kind of statement that the Minister for Finance makes in this House year after year, and it really says nothing new. But I would like to tackle, first of all, the points where the Minister claimed that the hon. Members of this House would be very pleased to learn that he had said or he had ruled out the graduated personal tax for people who earn about K£48 per annum in other words, those who get Sh. 80 per month. Therefore, the Sh. 2 per month or the Sh. 24 graduated personal tax is removed. Now, Mr. Speaker, Sir, I suppose when the Minister was saying this, he thought this was a gesture, some kind of a new deal for the common man in the rural areas. I would like to say that if this is what the Kanu Government thought, I must say that this is coming rather too late, and it is too little. Mr. Speaker, Sir, this gesture is like putting a pinch of salt in the sea. The Kanu Government has been in power for the last six years. We have reminded the Government of the plight of the common man in the rural areas and this Government has all the time shut its ears and has not done anything about it. So at this last moment, knowing that the elections are taking place very soon, the Government rushes up with some kind of announcement which was intended to show that the Government is now interested in the plight of the lower income group, and I must repeat that this is too little and it is too late and of no value.

Mr. Jahazi: On a point of order, Mr. Speaker, is the hon. Member in order to allege that this Government has never been interested in the lower income group until they took away the Sh. 2 tax?

The Speaker (Mr. Slade): That is a matter of opinion which everyone will judge according to the facts of the case.

Mr. Okelo-Odongo: Mr. Speaker, Sir, I think that when this will be applied—if it will be applied at all—by next year, the whole value of this will whittle away because in the application of this matter, knowing what happens to graduated personal tax in the reserves with all the assessors who have all kinds of standards, I assume and I think what is going to happen is that anybody that is living in the reserves is going to be asked to pay tax still. The assessors will come out and say: "Well you pay Sh. 48 and you should pay

Sh. 72"; without really basing the decision on very sound judgment of the economic power of these people. This is happening even today. So Mr. Speaker, Sir, I think this is going to cause nothing but trouble, a wrangle between the citizens of the country with the chiefs and the sub-chiefs, which has been going on and this still going to be worse. As matter of fact, in some places the work of the sub-chiefs is just to collect the graduated personal tax. But now that there is supposed to be no graduated personal tax, one should think that there should be no sub-chief at all, according to the Kanu Government.

Mr. Speaker, Sir, our policy with regards to this has always been clear that the lowest graduated personal tax that is being paid in this country is something of an anachronism, similar to the out-moded hut tax, which should be removed and all the taxes should be based on the income so that anybody who does not have any income, like those people living in the reserves, should not be taxed.

Mr. Speaker, Sir, now I come to the point which the Minister always likes to talk about, namely, this question of economic progress. Mr. Speaker, Sir, the Minister quotes all kinds of figures with regard to the expansion of our economy, and the growth of our economy, the rise in the gross domestic product and so on. But Mr. Speaker, Sir, looking at these things very closely, one wonders whether the Government or the Minister really differentiates between mere economic expansion and true economic progress, because the fact that there has been an increase in our output does not mean that there has been an overall general progress in the economy of the country. Mr. Speaker, Sir, it could be that there has been an increase in the whole output, but it may be confined to a few hands or it may be confined to a few foreigners, some of whom re-export some of it and leaving people here with nothing.

Mr. Speaker, Sir, it is also possible and I think this is what is happening in this country, despite all the announcements, that there is an increase in the graduated personal tax, you find there is an increase in unemployment. Mr. Speaker, Sir, year after year we get school-leavers coming into towns. This year, I understand there was something in the nature of 130,000 Certificate of Primary Education leavers coming to this town who could not get places in secondary schools. Where are they going to work? And where are these people? I understand, again, there is another group of nearly 8,000 to 9,000 of secondary school leavers for whom the Government has not provided anything; and I understand also that there

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is a large influx from the rural areas into towns due to shortage of land, some of it arising out of Land Consolidation. Thus, unemployment is increasing all the time, and yet the Government is shouting that the economy is growing. It is not growing. Mr. Speaker, Sir, if one looked at it very carefully, one would see that, as a matter of fact, the standard of living—or the level of living—of the majority of our people is really falling and we should not fool ourselves that the economy is improving because Government has not proved this. By merely quoting figures, you cannot say that it is improving.

Mr. Speaker, Sir, when you read this part here, the Government says that there has been an increase in the bank deposits; there has been an increase in the volume of money circulating among the members of the public. That does not indicate any progress, Sir. Actually, you get a feeling, in this country, that there is some kind of mysterious stream of money flowing over the country, but only a few people manage to come across it. Those people who manage to come across it, appear to have so much of it. They donate it, they do all kinds of things with it, while the majority of the people in the reserves have not even seen it. Some of them have never even received a one pound note, a Sh. 20 note; they never get it as their own. All they know of money is *tongolos* and shillings. Some people, in one day, can donate Sh. 100,000, Sh. 10,000 and all these sums of money, and they can fly here and there, bet on horses and do all kinds of things. That does not really indicate true economic progress.

As a matter of fact, Sir, I think that the economy is based on a very wrong base. A sign of this is the fact that when the Minister was talking about taxes, he said that a great deal of the revenue that he was getting came from the smokers, the drinkers and the motorists. If we have to depend on the smokers, on the drinkers for the greater part of our revenue, then our economy is definitely based on a wrong base. Many of the smokers are going to die and many of the drinkers continue to move along the roads. This means that there is nothing going on.

Seriously, Sir, when you read through the speech, you find that wherever there is difficulty the Government is going to make good either by borrowing or by issuing Treasury Bills. Now, this is all borrowing, borrowing, borrowing. How can you make money by borrowing money?

To make things worse, Mr. Speaker, produce that could bring this country money, things like maize, you find that they have to export maize, not to make money but they have to use the tax-

payers' money in order to export maize. They are going to export maize and wheat, subsidize the export of these crops with money collected from the taxpayers. Mr. Speaker, Sir, what could be worse than that? It shows that the economy is completely on the wrong basis and that it is not going to get us anywhere.

Sir, if one looks around it can be seen that we have a great deal of land and the country could support the population that there is, could feed it very well if there were only a sensible Government. Even at this time while we are talking, there are tons and tons of sugar rotting in Muhoroni for lack of transport. Instead of roaming around to London, to America to look for money, they should just go to Muhoroni and see that the sugar gets to the factories. Then there will be that amount of money.

All this question of exporting maize at a low price, and that we should subsidize the price is madness. That ought not to have been done if such was the case. We have asked the Government to see to it that they develop industries in the country and try to manufacture from the crops that we have. We can get a lot of gin from maize and starch from maize as well. We can get all kinds of things from maize, if only the Government could start thinking in the right way.

Mr. Speaker, the country is not making any progress at all. When you look at our economy today, it is the colonial pattern of economy that we still have here; the income of people is on the colonial pattern. If you look at Nairobi, you see that many of the places and dwelling houses in Nairobi are for Europeans and only for the rich Africans, the Ministers and, possibly, the Assistant Ministers, and, maybe, some Asians, too. The majority of the Asians are still in the Parklands area and so forth. Where are the Africans? The majority of them are pushed down in the locations and in the shanty towns, the areas which the hon. Members there represents. So how can we say that we are progressing when we see nothing? If you look at the figures, Sir, some of the figures for 1966, you will find that only about 41 per cent of the Africans living in the urban areas were earning something like £2,000 and above. That was only for 41 per cent. However, about 51 per cent of the Asians were earning more than— Mr. Speaker, I am sorry, I should have said shillings, not pounds, Sh. 2,000 for the 41 per cent Africans living in urban areas. 51 per cent of the Asians were getting Sh. 7,000 and 75 per cent of the Europeans were earning about Sh. 20,000 to each person and about 25 per cent of them were earning about Sh. 47,000 to a person. Mr. Speaker, Sir, if you still have all

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these things according to races, how can you say that you are developing the economy? All this business of Africanization is not getting anybody anywhere because the Africans do not seem to have the capital to do the business anyway. Sir, these are the figures and these are the things that the people can see for themselves. You find in the towns that the difference is not only between the races; in the rural areas you find that the people have been left in the same old position where they were before. Mr. Speaker, Sir, we have always known that unless this can be done—I do not think the Kanu Government can do it because they would have done it if they could. They had had their six years and the time is almost over.

Sir, the economy has a disease and as I have said, Sir, the disease is the colonial pattern of the whole thing. This is one disease and the other is the capitalistic pattern of the economy which is not benefiting the majority of the Africans. It is not giving us the fruits of *Uhuru* that people fought for. Unless we can change the structure of the economy—which only KPU can do—unless we can mobilize our population, unless we can mobilize the resources that we have, in order to exploit the land that we have, the other facilities that we have, we are not going to be able to do what we pledged to do for the people, namely, to win the *Uhuru* which will bring them food and will bring them some security. At the moment, there is no security whatsoever. People go about unemployed. You cannot even feed your wife and your children because you cannot get a job. You cannot even educate your children if you want to do so because you have no money to do this with. So how are you going to live happily? What is the use of *Uhuru* to you if these basic facts are not available to the ordinary citizen of the country? This is why I say the speech has very little in it and really does nothing at all to help the Africans.

I would have trusted the graduated personal tax reduction if it had been accompanied by the Minister's programme as to how the county councils are going to be financed.

Mr. Muliro: Mr. Speaker, Sir, I rise to congratulate the Minister for Finance on his excellent presentation of the Budget Speech. What is more, Sir, unlike the hon. Member who has just sat down said—and he was talking shop—I feel that when one looks at the level of taxation and the relief which has been given to the lower income group, and note that the revenue is on the rising side, in comparison to that of last year, one has to congratulate the Government and the Minister

for Finance. Today, Sir, in one of the papers the hon. Members of KPU said the national debt was very high and yet the revenue was less than the amount we owed to the world. The hon. Members must also understand that whatever the Government has borrowed on a long term basis, the amount due for repayment this year is met within the revenue we are receiving, and yet we are receiving more money for development.

Mr. Speaker, it was very good indeed for the Minister for Finance to say he has put a ceiling on the expenditure side of his revenue, and this is what he is going to stick to in the published Estimates of Expenditure. It is good he has been lenient on the section of the Development Estimates so that what is required, if any progress during the five years of the Development Programme is to be made, and if new and more viable projects should come up, then he will be able to raise the money.

A point, Sir, which I would like to take up with the Minister for Finance, is that he said in his speech that the most disturbing feature was the question of non-repayment of loans by the farmers. The Government of Kenya, and particularly the Ministers for Agriculture and Finance, as well as the Minister for Economic Planning and Development, should put their heads together and they must realize that farming is a long-term project. One does not put money into a farm today and then be able to make out a cheque the following day.

Sir, development of the farming industry is a very difficult problem. If one goes to the United States, or Britain, you find the farmers of those countries are subsidized very, very heavily in order to continue farming. In Kenya, Sir, it is the reverse. The farmer is milked to the very last drop. Mr. Speaker, if the farmers are to be able to repay the loans which have been given to them, the Government must make up its mind to give them more loans in order to make the farming industry more viable in order to be able to repay the loans. I cannot imagine any farmer, be he small-scale or large-scale, going into the farming business and after six months he is asked for the repayment of the loans.

Mr. Speaker, any of the hon. Members here today can go to the Agricultural Finance Corporation and ask for a loan for a tractor, and after six months they will be called upon to pay the first instalment. Mr. Speaker, if one buys a *ng'ombe* today in calf, in six months it will not have calved down in order for the farmer to be able to deliver some milk or cream to start repaying his loan. Mr. Speaker, Sir, when one looks

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at the price of fertilizer, you find it is not subsidized to the degree which it ought to be. There was a paper some time ago which was prepared by Doctor Hopper. This paper suggested very clearly that the price fertilizers in Kenya was too expensive. The cost of machinery today in Kenya is very high, and even if the African farmer would like to make economies in his farming, he cannot do so. With the lower price for maize and wheat, and other produce, including pyrethrum and tea, I wonder how Mr. Gichuru could come to this conclusion unless he wants the farmers to go bankrupt?

I feel, Sir, that this is a point which the Minister must seriously consider, and the Government also, because unless the African farmers, both small-scale and large-scale, shoulder the bulk of the farming industry in this country, when the European farmers move out *in toto*, this country is really going to suffer.

Another point, Sir, which I would like to raise is on the question the International Development Agency loans to enable the takeover of *Harambee* schools to be normal Government aided items. Mr. Speaker, I hope, in aiding these *Harambee* schools, the Government will aid all *Harambee* schools everywhere and not just select certain areas where they will be aided and leave other areas to continue as *Harambee* schools. This, Sir, creates lopsided development, and so long as we have this in the country, we can never have harmony among the various communities in this country.

The other point, Sir, which I would like to raise in this debate is the question of Africanization in business. Africanization in business, Sir, must be genuine Africanization in business. Today, Sir, we have window dressing. It is good a Bill is coming to this House. But, Sir, what I would like to say is this. Africanization in business must be Africanization in its normal sense. It should not be tribalization of industry in Kenya. Sir, all African communities, all tribes everywhere, must be assisted by the Industrial and Commercial Development Corporation to come into business. Today, Sir, what one finds is that the practice of the Industrial and Commercial Development Corporation is that if you belong to a given tribe you will not have to wait for one week before your loan is approved. If you belong to some of the unfortunate tribes of Kenya, Sir, you will not have your loan approved. This I have had experience of.

Mr. arap Bii: On a point of order, Mr. Speaker, I would like to ask the Member in question to substantiate and give us an instance where an

African of a certain tribe has applied for a loan and this was not approved because he came from that tribe.

The Speaker (Mr. Slade): No, I am afraid it is not possible for an hon. Member to substantiate a negative. You cannot prove that something is not happening. Those who allege it is happening are allowed to rebut his statement, as a point of order.

Mr. Muliro: Mr. Speaker, the hon. Member must bear in mind that I am the most senior Back-bencher in this House and I will never make any irresponsible statement which I cannot substantiate here.

I applied for a loan in March last year to buy a business in Kitale; I asked for Sh. 120,000. The loan was approved in April this year. After a year, this information was communicated to me and the business had already been taken by somebody else. Mr. Speaker, I, Masinde Muliro, was the applicant to the Industrial and Commercial Development Corporation. The hon. Member being young in this House should always bear in mind that some of us are old here. Mr. Speaker, Sir, I feel the Minister for Commerce and Industry—

Mr. Kimurai arap Soi: On a point of order, Mr. Speaker, could I ask the hon. Member to further substantiate that the property went to another tribe? He said the property had already been bought, but was it bought by some one of his own tribe or by another tribe?

The Speaker (Mr. Slade): I think the hon. Member was saying the loan which he was refused went to a member of another tribe. It is the question of the loan and not the property which he was trying to buy.

Mr. Muliro: Mr. Speaker, I never said the loan went to some one of another tribe. What I said was the property had already been bought by someone else.

Mr. Speaker, I think the Minister for Commerce and Industry must give a better directive to all the various organizations under him, that they should never discriminate against various members of the Kenya community. Mr. Speaker, it is useless to say we want the Asians to leave, and we want the Europeans to leave the businesses, and entrench one tribe in the economic privileges in this country. The entrenchment of one tribe, or two or three, is not going to be the answer. The answer is to create a nation and to create a nation then all the people in this country must be developed equally. They must be given the opportunity for

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economic and commercial betterment which they expected from the independence in this country without some other people helping themselves alone. Some of the Members who say today that they were Freedom Fighters were actually in detention camps when we were fighting for independence in this country. We fought for them to come out of the detention camps and they need not boast to anybody here of what they did.

Mr. Speaker, I feel this is the last Budget Speech for some of us here. Some of us will not be in this House the next time, and this might be the last time for somebody to speak his mind on this Budget Speech. Those who do not speak their minds will be shut up the next time *shauri yao*.

Mr. Speaker, as for the Minister for Economic Planning and Development—I am sorry he is not here—in a speech in 1967 he told this hon. House that the paper pulp factory at Broderick Falls would be in production by mid 1970. This was the song. Up to this minute, Mr. Speaker, even the site has not been ear-marked. The site is there, nobody has gone there, and the trees have not been planted and we are being told all the time the paper pulp factory at Broderick Falls, will shortly be in production. When will it be in production? One knows when the *ng'ombe* is going to calve down, that is when the *ng'ombe* is in calf. We have not seen the paper pulp factory project and the Minister for Finance was daring enough the other day to say “we protect the paper pulp factory at Broderick Falls”.

We are going to a general election, and we are going to return all Kanu candidates in Western Province. We do not want to be hoodwinked by the Government and that is why we are now speaking our minds. We are going to return Kanu candidates to this House whether any one likes it or not.

An hon. Member: Are you sure?

Mr. Muliro: Very sure. I am the engineer so do not worry. You will be out.

Mr. Speaker, I would say, honestly, that if there is economic development in one place and none in another this does not create harmony; does not create peace; does not create stability; and any Government which deceives itself that so long as people in his place are happy and contented they, the Government, are happy, that hon. Member, or hon. Minister, or even if he is Leader of Government, he is deceiving himself to the highest degree of deception.

Mr. Speaker, if we want to create one society, then we should create a society of equals and not a society of unequals. We want to create a society of people who will meet at the same level, and not people who will meet others as juniors. This, Mr. Speaker, has been the trend for the last seven years. I hope after the election this trend will change. Let me hope in earnest that this trend will change.

With these few remarks, Sir, I beg to support the Budget.

Mr. Ngala-Abok: Mr. Speaker, Sir, I would like to say straightaway, that the Budget this year is very reasonable, except for a few things which I would like to talk about.

I think the Minister for Finance has tried his best and there is no doubt the Government has tried its best for the last six years. Mr. Speaker, Sir, there are difficulties all over the world. Difficulties in economics. Difficulties in politics, in social welfare and there are problems of all kinds in the world. No Government has solved these problems overnight, and no Government has ever found a solution to all human problems. We are going to concern ourselves with economic development in this country for many years to come, and I think throughout we shall have problems. We have heard of these problems in America, where they have a lot of money. You still find the people there complaining; they are still in search of leadership they are looking for social welfare facilities still. Therefore, speaking in this House, Mr. Speaker, I would like our Members to appreciate that human problems are endless, and that as long as we live in this world, we are going to have problems and difficulties which all the time are practically insurmountable.

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

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

Mr. Deputy Speaker, I would like to draw the Government's attention to one proposal which I feel is very important, and that is the question of removing altogether the lowest income tax group, so that the people do not pay Sh. 24 per year by way of poll tax. I would like to congratulate the Government for having taken that move. This is important, because most of the frustrations encountered in the countryside are those of the Administration Police, arresting, molesting and disturbing our people all the time. They are very grateful that, as from January 1st, next year, they are not going to have to pay the usual Sh. 24 in addition to locational rate, and so on. It was not stated that the locational rate would remain

[The Assistant Minister for Finance] spent on that particular project. This is only a token amount which has been shown and which, traditionally, is shown this way.

Mr. Ngala-Abok: Mr. Deputy Speaker, the question of token amounts does not help. The problem is so extensive and serious, and I can only explain that farmers were sent down there. It was the only scheme to accommodate some of them from South Nyanza, but nothing has been done. The roads are primitive, tsetse flies are plentiful, the animals are roaming around and they are devouring the crops belonging to people. Last year, my ten acres of maize were devoured by these animals, just because there was no money to fence the animals in, and there is no development in the area. No opportunities are being created for jobs. We know we can get the money, there is plenty of it. We can do this by taxing some of these luxury items. We can reduce our Ministers to their sizes. We can get all the millionaires in this country to behave themselves, so that we are able to get the money we want. It is all right to reduce this Sh. 24 tax and tell the people they do not have to pay it. However, my brothers' sons are still at home, they have no jobs, they do not pay taxes. Do I care?

We all know that when you buy your son a shirt, you say, "But if I had bought the shoes to go with this shirt, really he would have been a very smart gentleman. I don't have the shoes." Now the shirt does not help.

An hon. Member: Are you serious?

Mr. Ngala-Abok: I am very serious, and if you are not serious, that is up to you. If the Kipsigis are not serious, that is up to the Kipsigis.

Hon. Members: Address the Chair.

Mr. Ngala-Abok: Mr. Deputy Speaker, Sir, I would like to discuss this question of the removal of Sh. 24, the lowest tax. All sub-chiefs must be dismissed; what jobs will they do? In fact, the Administration has been doing one single good job, and that is the collection of taxes, but if most of these people in the rural areas are not going to pay that tax, what are the sub-chiefs going to be paid for? Their salaries must now go for the benefit of the people. They should be removed, and we will use the *Chadunguel*, the elders, because they are not paid, they do very well, they are very respected. We should use them, and if a sub-chief was running two clans, one sub-chief must be removed, so that one sub-chief runs five, six or several clans. The others will have no jobs, and we are now going to rely on goodwill. Moreover, what we shall need from the people is only the locational rates, and these can be collected quite easily through the elders and

other machinery. Therefore, the sub-chiefs have to be removed. While removing them, it should be seen that educated men are employed. Some of the sub-chiefs who do not read, who do not listen to the radio, are sabotaging the political machinery in this country. They are not moving with the current world. You meet a sub-chief, he cannot read, he has not heard the radio, he talks about witchcraft, and he talks to people who do not know anything. He believes in bribery. This is the kind of thing we want to avoid. We are developing. Some people may say I am catering for unemployment, but this is not so. If someone turns out to be unemployable because he cannot march with the times, that is not my problem. Therefore, the kind of sub-chief who cannot read or write is an embarrassment, a frustration, and his employment is a retrograde step in this country. Such people should be eliminated. What about some of these men who have passed Kenya Preliminary Examination who do not have jobs? They could do the work of the sub-chiefs, and it would reduce their numbers. Right now, the large part of the population in the rural areas are not going to pay tax. Therefore, what is the point of having a sub-chief?

An hon. Member: Law and order.

An hon. Member: *Harambee* projects.

Mr. Ngala-Abok: Some say *Harambee* schools, but hon. Members know that sub-chiefs, district officers, chiefs, district commissioners, if not community development officers, do not contribute. When they come there, they need food, they look like lords, they drink beer, but they never contribute. They get money from Nairobi here, but they never give any of it away. I have attended all these *Harambee* projects. Which sub-chief gives money? Therefore, remove them, employ instead intelligent men, and ask them to do another job.

Mr. Deputy Speaker, I must thank the Government for having built a magnificent hospital in Homa Bay, which is now pretty well ready. I would like Government to come and get it opened. It is very good, and it will help my district, and I would like the Minister for Health now to come and open it and make sure that Government is doing something about it.

Mr. Deputy Speaker, the County Council of South Nyanza is in the red, as you know, and at the end of this month money will not be paid to its workers and even to teachers. We have not heard any concrete proposal from the Government, and I am now asking Government to write-off the Sh. 3 million which is outstanding to be paid by the county council, because they are unable to find the culprits, the people who should be blamed.

[Mr. Ngala-Abok]

in being, I think it will remain, and it will depend on the location as to what that locational rate is. This has to be explained very well, that although as from January 1st, next year, the people will not have to pay the Sh. 24 tax, but they will still have to pay the rate for their locations. This must be made abundantly clear, because there is some confusion. This was not catered for in the speech.

Mr. Deputy Speaker, what replacement is there financially for those services which were being met by this tax? Is there any alternative? The Minister said this was not going to reduce our revenue very much, but he did not say that those desperate districts which are already broke were going to get some kind of taxes to meet the services which were paid for by the ordinary man before. I must be very clear on this. I support the removal of this tax, but are we going to cease serving our people after it has been removed? Our people are grateful for this, but what about the services which our people were getting as a result of this kind of tax? The Government must explain this very clearly.

I would like to propose that, at the same time as removing the Sh. 24 tax the lower rate people were having to pay, it would be better to increase by 20 cents beer, Guinness, whisky, Tusker, Pilsner, all drinks. These are luxury items which we can do without, and yet still exist. These are pleasurable items which we buy because we have the money. Why not increase the tax on this kind of thing, so that we can pay back for the money which is not to be collected from our people as a kind of relief? Our people are poor, but these people who drink a lot of Tusker through the night, whisky, Guinness, gin, Pilsner, and so on, should find that these things are more highly taxed than they are now.

Mr. Deputy Speaker, we have a problem on our roads, and I feel that if these drinks were expensive to buy it would help. There would not be so many people going to prison for ten years because they made a mistake. A person is given a lot of leisure; he is taxed too heavily, and then he is sent to prison for ten years and he is fined Sh. 10,000. A driver, a man who earns Sh. 20 in two weeks, is fined Sh. 10,000. Our Government would have done much better in seeing that our economy progressed if they had increased the taxes on these items which are not so essential in human life, these things of leisure, as I have mentioned. In addition, Government could have decreased the tax on a box of matches, on sugar, salt, meat, paraffin and soap. The man, the husband, has been relieved of the necessity of

paying the Sh. 24, he usually pays by the year, but a woman stays at home, and she has no income but she needs salt every day. She needs a box of matches, meat, inevitably she will need paraffin, soap. These are the kinds of things which are really touching, and the woman wants to see that the small things she has to go and buy decrease in price.

An hon. Member: Housewife.

Mr. Ngala-Abok: It does not matter. You can call her housewife, you call her woman. I am talking in a language which can be understood by all the Members. It does not matter if you say housewife or woman, because I am now directing my ideas to a person who is in the kitchen, whether woman, housewife, girl. All these unmarried chaps spend money all the time, and they would like to see themselves relieved of this burden. Perhaps we could instead tax other things. Take the beautiful suits you see. Why do we not increase their prices? It is not necessary that I wear a suit costing Sh. 500, when I can get one for Sh. 180. It is not necessary for me to buy a Mercedes for about Sh. 60,000, when I can as well use a Peugeot for about Sh. 24,000.

These leisure items could have been taxed by our Government. There is all the money in this country, and we can tax these leisure items, reduce ourselves to the right size, and let the poor man find work.

Mr. Shikuku: Point of information.

Mr. Ngala-Abok: Not necessary, Sir. I know you will move your ideas. You usually do. You are very capable. Let me go ahead.

Mr. Deputy Speaker, Sir, our Budget today is lacking in that there are so many luxury items which are not highly taxed in this country, and as a result the poor men do not get jobs. We could increase the tax on Mercedes cars, Toyotas, and all these large cars in order to create jobs for our people.

Mr. Deputy Speaker, when looking through the Development Estimates, I find there is £10 for Lambwe Development. How many pounds? £10. If they were my students they could have followed me. £10 for Lambwe Development. In terms of shillings, how much is that? Mr. Assistant Minister, do not look at me. We need to create jobs for people in the Lambwe Valley, but putting aside £10 for the development of that area—

The Assistant Minister for Finance (Mr. Balala): On a point of information, Mr. Deputy Speaker, I would just like to tell the hon. Member that the £10 shown in the Development Estimates does not indicate that it is £10 which is to be

[Mr. Ngala-Abok]

It is like you lending somebody money, he leaves a widow and there is nobody to pay it. We do not care, we want it. We want our services to be run properly, and I want Government to work on concrete proposals to give money to that district.

With those few remarks, I wish to support the Budget.

Mr. Mbogoh: Mr. Deputy Speaker—

Mr. Ngala-Abok: Mr. Deputy Speaker, Sir, is it in order for a Member for Buret to allege that I said we want free things? Is it in order? Is it in order to change my speech for the hon. Biy to say that we want free things, is it in order? This is contradicting my statement.

The Deputy Speaker (Dr. De Souza): Order! I do not think he said anything about free things. He was asking, he was making a very good contribution to this debate. That is all.

Mr. Mbogoh: Mr. Deputy Speaker, Sir, I associate myself with the contents of this year's Budget and I believe that the people have been really helped by the way it was calculated. Mr. Deputy Speaker, the Minister himself made it very clear to the people that this year it is a go ahead Budget and that is accepted because of the inspirations contained therein.

First, the question of reducing the G.P.T., especially for the lower paid people, is welcome to the country, and although there are many people that go round preaching and sowing seeds of discord, pretending that they are leading other people by saying that it is an election campaign Budget, Mr. Deputy Speaker, I feel that such people should get out of their cocoons and live with the people and know how happy people are in the country at present.

Mr. Deputy Speaker, Sir, the only thing that I should like to warn the Government on, by so reducing the taxes, is that we are going to have very many lazy people and if the Government does not put a stronger rule, especially right down to the villages, we will have many thieves, because, in many cases, those people who pay their taxes, graduated personal tax, toil and labour so that they can pay their taxes. Now that there is nothing to pay, why should I work, why should I toil? Why should I do that? Some of them do not care about shoes, and some of them do not care about shirts, and you see the strong enough and they may refuse to work although they have children, and even they may not care about their children going to school. This is the development that our Government should press on. This is the right time that our Government moved up and said

that primary education was compulsory, for if it is made compulsory, people will work to educate their children, but if we say we have reduced the taxes full stop, these lazy people will not do very much.

Another point, Mr. Deputy Speaker, is on the county councils. The county councils have been trying to thrive on very little money. I would like the Government to take over all the county councils in this country immediately. Mr. Deputy Speaker, it is now the right time that the county councils were taken over by the Government, because one thing, all of them—except a few if there are any—are in the red, and this tax reduction will put them further into debt and they will become bankrupt. Most of the chairmen have been irresponsible and the employees of the county councils have been so irresponsible that it is impossible for them to function and give the taxpayers their rights as they are expected to do. Therefore, Mr. Deputy Speaker, I submit that the Government should take over all the county councils now and take over all the payments of salaries to teachers, and take over all the supplies of books to the schools, and leave the county councils the minimum of control of their own areas. Leave them all the small dispensaries to run, but take over the clinics and take over the health centres, and also all the big services the county councils are unable to perform.

Mr. Deputy Speaker, the dispensaries, as the hon. Minister has suggested, are small enough and they can be catered for with the little money the county councils will be having. Mr. Deputy Speaker, it is very embarrassing to find that after a community have engaged themselves in building a self-help health centre, they cannot open it because the county council has no money. It is very embarrassing to find that some people in a district or in a location have been building a secondary school and after finishing the building, they cannot open the school because of the council's inability to find the funds to run that school. Mr. Deputy Speaker, this is now killing the idea of self-help in most areas and I think it is high time that the Assistant Minister thought of increasing the money to be voted for self-help groups.

Mr. Deputy Speaker, Sir, the question of the administration being able to control the self-help schemes or being able to control the work of the county councils is out now because, Mr. Deputy Speaker, you find that in most cases, the chiefs and sub-chiefs have become the tools of politics. After they have become tools of politics, Mr. Deputy Speaker, they are not helping their country at all, because it is no use having Members of

[Mr. Mbogoh]

Parliament in one district being able to gain favour with the district commissioner or the provincial commissioner while others have not gained the same favour. When I want to have my self-help group meeting, I find that I invite the district commissioner and in many cases he will not turn up. If he hears however, that So-and-so is having a self-help group meeting, he goes there like a jet going to build him in that area. Mr. Deputy Speaker, this question of the administration becoming tools of politics, I think should be taken away immediately and they should be taught better lessons and be told that they are the administrators and not politicians.

Mr. Deputy Speaker, Sir, I am not saying this about a specific provincial commissioner or on a specific district commissioner, but the fact is that this money which the Treasury votes and gives to the Ministry of Social Services for self-help is not enough. The way it is shared, is out of proportion *kabisa*. Mr. Deputy Speaker, there should be a committee in a district which should be able to share this money. Not just getting this money and handing it over to one person who can go spending it as an administrator who can go spreading it to the people of the areas which he thinks are gaining favour in that area or which he thinks that he is in good terms with a Member of that area, while other places stay stagnant without any development.

Mr. Deputy Speaker, it is now two years since the Minister for Finance imposed the cess, called an export tax, on coffee. Mr. Deputy Speaker, this has angered the whole country, and this money has been collected illegally by the Ministry and it has been an illegal collection of money from the people and now is the time that they should decide to abolish that tax. Mr. Deputy Speaker, we expected in this Budget that the Minister would announce the abolition of that tax they call the export tax on coffee, because during the time when this export tax was imposed on coffee growers, the coffee crops was big enough and there were good prices in the country which could be taxed. Now Mr. Deputy Speaker, after having so much coffee berry disease, we had a very small coffee crop, we had very low grades and the prices were very low and then a coffee farmer is taxed like that. It is impossible for him to make ends meet. Mr. Deputy Speaker, here one day we passed a Motion which was almost unanimously passed that these things must go, but the Minister turned a deaf ear to this—really deaf—and I think that he is really deaf for he has done nothing about it. Mr. Deputy Speaker, the people of these areas which grow coffee at present, feel that although there is that

question of reduction, in taxes, they have been mistreated and it is very unfair to them because they still have the same number of coffee trees after being deducted the export tax. He is there also to be assessed for graduated personal tax on the number of the coffee trees he owns. That is already double taxation. The county council has fixed a cess on coffee and this is very high indeed. Now this man is being taxed three times.

Mr. Deputy Speaker, there are many other incidental expenses, there is the coffee co-operative union; there is the co-operative society cess which he has to pay. Then he has the high cost of maintaining the coffee *shamba*. Wages have gone up and the price of coffee is low. Everything really has gone up, manure has gone up, labour, everything has gone up, but the coffee prices have gone down. This should have been a good reason for the Minister to abolish that export tax and leave the coffee grower to pay just the few other taxes that exist. Mr. Deputy Speaker, as a result, the coffee industry is now being ruined and there are very few people in this country who will tell you now they are prepared to grow any coffee at all because it has become an uneconomic crop, in fact, the handling charges themselves exceed the payment that the coffee growers are getting.

Therefore, Mr. Deputy Speaker, I do not want to go into all the subjects that the Minister is interested in the Budget, but I am just appealing to the Ministry concerned to be more vigilant and to work harder because naturally, the self-help groups in this country have come up just like mushrooms, and yet the money they thought of giving the self-help groups is just not enough; they should tour the country more and especially the Assistant Minister, who is sitting there, has not toured anywhere, apart from driving between Nairobi and Mombasa and then you know what happens when he gets to Mombasa. Instead of that, he should tour the up-country districts since he has the portfolio of being the Assistant to the great Prime Minister of money. He should take the chance, and I invite him to my area. He is invited everywhere, especially as he does not have a constituency, but he should be able to visit everywhere without any hindrance. Mr. Deputy Speaker, I think if he would take more time to visit the people then he would learn more and more, and I hope he will accept my statement here without any argument.

Mr. Deputy Speaker, Sir, in view of those difficulties, and in view of the fact the Minister is listening and understanding as we speak, I hope that with proper co-ordination we can get rid of these difficulties which are arising just now.

[**Mr. Mbogoh**]

I want to say, Mr. Deputy Speaker, that the unemployment situation in Kenya is very serious especially for the school leavers. Mr. Deputy Speaker, this is the time that the Government should be voting money to alleviate this, and we want the measures to be announced here in this House as to what the Government is doing to make sure that this question of unemployment is tackled. Let us not just tackle it with our mouths, let us not tackle it as a campaign, let us tackle it as an opposition gimmick—we should tackle it as a serious problem that is facing this country.

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

Mr. Gatuguta: Mr. Deputy Speaker, Sir, I am happy that I have been given an opportunity to speak on this very important debate.

There is nothing much I can say about the Budget itself because as far as I am concerned, and I think I am speaking the minds of very many people in the country, this has been a very fair Budget and this has been the trend all the time—our Government has been trying to find money for the development of this country without taxing the common man. I think this is a very important aspect. In some countries it is the common man who bears the burden of raising the funds for taxation, but in our country, the Government has been trying to find money from sources which are not affecting the ordinary man. The taxation has been mainly on the people who can afford to pay; this should be the trend and in this respect I congratulate the Minister for Finance and the Government for the measures they have taken. I wish particularly to mention the fact that the people appreciate very much that the Government has decided to forego the Sh. 24 taxation per year. The people who have been paying this tax mainly are the unemployed people who are poor and they have been finding it difficult to pay this taxation and they have been harassed by the chiefs and the sub-chiefs if they could not afford to pay this. I think that this is a very great relief and a very great wisdom on the part of the Government to decide to abolish this taxation. I am not going to think that this is a wrong step taken by the Government—I think it is the right one because, after all, the responsibility of the Government, all the time, is to look after the welfare of the people and therefore the abolition of this taxation was overdue. I was amazed to hear my friend, Mr. Ngala-Abok, suggesting that because the taxation of Sh. 24 has been abolished, the Government is therefore going to dismiss all the sub-chiefs because they will have no work. Surely, this is a

very funny conclusion, because the most important job of a chief or a sub-chief is not merely collecting tax. There are other great responsibilities, for instance, I would say that the most important function of these people is to maintain law and order, which is very important, not merely taxation. I am sure I do not think this is fair.

Mr. Deputy Speaker, Sir, I wish to say something which concerns most Members of this House, and also outside this House, and that is the county councils. Mr. Deputy Speaker, the county councils in Kenya, particularly in Kiambu, are running in very great difficulties and I think that if things are not reviewed carefully by the Government, this country is going to suffer a great deal. The county council's estimates are not being approved by the Ministry of Local Government, and I know that in Kiambu, the county council's estimates have not been approved for at least three or four years. Why? Every time they get difficulties in getting their estimates approved, for instance, this year they have been told to use the estimates of last year, and last year they were told to use the estimates of the previous year and so on. Therefore, the position is that the county council cannot provide money for development. I want to say this very seriously now, because I know that in my constituency a lot of development has been held up. This is because the estimates of the county council have not been approved. The people of my constituency, particularly, have built a self-help maternity ward at Wangigi and have completely furnished it, and now everything is ready. However, because the estimates of this year have not been approved, and although the county council had provided for two midwives, this maternity ward is not functioning now. Is this the sort of development that we have been asked to have? We would like the Ministry concerned to tell us why this development has been held up. The President of this country has told the people to help themselves. We have accepted his call, only to find that there are some people who are not interested in what we are doing. What is wrong in the Ministry of Local Government? I am told that there are some financial advisers in that Ministry who are not interested in our development and want to hold back the development of this country. Why are they not being Africanized? We would like the Minister for Local Government to tell us.

What is the Ministry of Health doing in the case of Wangigi Maternity Ward? This maternity ward was opened by the Minister himself in the month of April and this is the end of June,

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the maternity ward has been locked—after the people have been able to build it themselves. Surely, there must be something wrong in the Government machinery and we want it to be corrected, because the people are being frustrated. The people have been told to do this, that and the other, and after that they find that the Government is not responding.

Another thing is about *Harambee* schools. There are many such schools in the country which have been built by the efforts of the people, and particularly in my own constituency there are a number of them and we find that the Government does not support these *Harambee* secondary schools. I want to thank the Minister for Education because he has been able to take over one or two of my *Harambee* secondary schools. However, this is not enough because I have more of these schools. We want them to be taken over by the Government because after building them the public are finding it extremely difficult to raise money for the recurrent expenditure, and the only alternative left to the school management is to raise the school fees, in order to find money for this expenditure.

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

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

If the school fees are raised too high, then, of course, the result is that parents are going to find it extremely difficult to pay the school fees for their children in these *Harambee* schools. This is another aspect of our country's problem, which I would urge the Government to draw its attention to and to try to solve.

Mr. Speaker, Sir, the other point I would like to raise is the question of people living in emergency villages. I would urge the Ministry of Lands and Settlement, very strongly, to look into this question. Every year, I speak about it, and I am going to continue talking about it until this problem is solved. Now, the people in my constituency, at a place called Ringuti and Ruthigiti, their houses in these emergency villages are falling down now and the people who own this land cannot allow them to build new houses. I have brought this to the attention of the Ministry of Lands and Settlement, but nothing has been done. What is going to happen to these families now? These people are now overcrowded. If one house falls down, they crowd into another small house, and when that one breaks down, they move into another one. You can find 15 families living in one house. Surely, this is a problem which must be solved. I would like the Minister for Lands and Settlement, and I am going to make a personal invitation to him, to visit these areas to see

the conditions in which the people are living. Why should we—and I have asked this question before—allow one person to own 1,000, 2,000 acres of land when other people do not even have an inch to live on? We cannot allow this situation to continue in a country like this. There is no point of Members shouting because they think I am fighting for my people to go to their land, but the point is this: we are trying to create one nation for all Kenyans. Therefore, we must look after the interests of every person. There is no question of feeling tribalistic or any such thing. We are dealing with a human problem. If a Member of this House is human at all, then he will listen carefully to this problem and help to solve it. So, Mr. Speaker, I would like the hon. Members, when they speak, to speak on this problem from a human point of view. I would like to invite some of the Members here to come and see the problem that I am talking about. It is very, very serious. So I wish that the Minister for Lands and Settlement will really look into this problem. I hear that all the time they are starting these settlement schemes, here and there. We do have these settlement schemes, but I do not know whether the Minister gives priority to the people being settled in these areas. There are those who have hardships, there are those who are in more difficulties than others. So I would like the Minister concerned to look into this.

The other point, Sir, that I wish to bring forward, is the question of roads. Roads in our country are very, very important. Without proper communications the country's development is likely to be held back for many years. Now, Sir, in my area—the one I represent—we have this problem and I know that this problem affects other areas as well. Our roads are very bad and there is no point in the Minister for Works telling us that that is the responsibility of the county councils. We know that the county councils have no funds to do these jobs and we know also, as I have said it before, that the Minister for Local Government has not been approving the estimates, even where the county councils are in urgent need for money. I know of a case where the County Council of Kiambu had provided estimates for the making up of two roads to all-weather road standard. But these estimates have never been approved and that is why we have all these problems. We would like the Minister for Works to look into the problems of communications, roads especially, because the good roads that we have are only the main highways from here to Mombasa, to Nanyuki, from here to Kisumu and such places. Fair enough because these roads are important and we like them to be maintained. However, the Ministry should

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not be satisfied with only improving the main highways and leaving the other roads to the county councils; that is not good. It is time that this Ministry should now tell the county councils, "These roads will now be taken over from you to be maintained by the Central Government". If that is not to be the case, then the county councils should be given more money by way of grants-in-aid for the building of roads. During the rainy weather, Sir, it is extremely difficult for our people to transport their foodstuff from their areas to Nairobi. Nairobi exists because of the villages that we represent, which are four or five miles away. Without them bringing in the vegetables, the potatoes and all these things, Nairobi would not be able to develop. So we would like the Government to turn their attention to the question of roads in the countryside and make the necessary improvements there.

Then I would like to say something about the teachers. I know that this matter is now under review by the Government and that there was intention to have a strike by the teachers recently; this was later withdrawn because of the negotiations which are presently going on. However, I want to say on the Floor of this House that teachers' conditions should be improved. We realize the difficulties that the teachers have, but I know that if the teachers' position is not going to be improved, then our children are going to suffer. Teachers are now losing interest in education. I know some schools where they just roam around because they think that their interest is not being looked after. If we want the standard of our children to improve, educationally, if we want the teachers to be interested in the educational system, then the time has come when we should improve their salaries and conditions of service. It is possible to raise a little taxation, and there are methods of raising taxation without even touching the ordinary man. Let us raise more taxation in order that we will be able to pay the teachers, so that we can make them work with interest. I know we can. There are many ways. Why, for instance, do we not have an airport tax like other countries do? Why do we not have a sales tax? We can raise a lot of money in this country in this way and make it possible for us to pay our teachers better salaries. Why, for instance, do we allow money to be taken away from this country by, say, landlords who own houses, and live in London and New York?

Mr. Speaker, Sir, I see that my time is over. Thank you.

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Speaker, Sir, whilst listening to hon. Members speaking I have very much appre-

ciated the speeches they have made, and I would like to join them now in congratulating my colleague, the Minister for Finance, for having so ably delivered the Budget Speech a few days back.

I have stood to say something in reply to the points made by my friend and former teacher, the hon. Okelo-Odongo, Member for Kisumu Rural. I have had quite a lot of respect for the Member for Kisumu Rural, having been my teacher, but today I feel he lamentably failed to express to this House the knowledge he has in economics. He tried to prove some very mysterious points here.

Sir, the first point he raised was in connexion with the abolition of the Sh. 24 graduated personal tax. He said it was quite a minor thing, like a speck of sand falling into the sea. But we should not forget, Mr. Speaker, that it was only on the 20th of October 1967, that His Excellency the President announced measures for reducing the tax for the lower-income group people: this was the Sh. 24 they had to pay. After two years or so, this has been followed up by the fact that it has been completely abolished. Now, this particular aspect should be appreciated. The hon. Member should have appreciated that it was in 1967 that *Mzee* proposed this and it is this year that the Minister for Finance has done away with this payment.

Another point the hon. Member raised, and it has apparently been raised in the KPU statement appearing in the Press today, was the question of unemployment. He says there really was no increase of any kind to relieve the situation of unemployment. We know, Sir, and the Government is aware, that unemployment is quite a serious problem. It is a serious problem not only to this country but to all developing countries. I would also go further and say that it is even a problem in most developed countries. However, Sir, it is not true the Government, or the Budget, does not provide measures to relieve unemployment. In the statement which was given to the Press by the KPU—I am sure the hon. Member for Kisumu Rural was a party to this statement—it is said that the Minister for Finance did not suggest any ways and means for alleviating the problem of unemployment. Sir, on looking at the development book—and I have done that very carefully—I have found that in Nyanza Province alone, leaving out Kisii District (and by Nyanza Province here I mean Luo districts) out of the total amount of money that has been allocated to these three districts some are intended to start projects that will alleviate unemployment the total sum of money is £1.2 million. This is the amount set out in this book. This is for

[The Minister for Information and Broadcasting] three districts alone. There are projects like building of the new district headquarters in Siaya District, where my hon. friend comes from, building of fisheries offices; installations for the eradication of the tsetse fly, which will cost about £73,000. This money will go to start projects which are meant to bring about unemployment relief. Here we are being told by the KPU that we have not done anything in this Budget to alleviate the situation of unemployment.

They have also said that the Central Bank has not directed— That is in the same statement, and with your permission I will read:—

“Mr. Gichuru said that the commercial banks have been urged to make every effort to increase their volume of loaning to the people”.

The comment they make is:—

“In fact, the Minister was admitting that the Central Bank had failed to give some directives to commercial people to lend to the local people”.

With all due respect, Mr. Speaker, the Central Bank cannot give a directive unless it guarantees to write-off those loans. This is the kind of cheap statement which I call baseless. It should have gone on further to say whether there is money in the Central Bank of Kenya which can be used to give the necessary guarantees—guarantees for money given to the *wananchi* by these banks—and also whether the Central Bank is able to stand as guarantor to write off those loans in case they are not repaid. This kind of thing cannot happen. I am sure that my former teacher, the hon. Member for Kisumu Rural, is a party to this because he is the financial adviser to the Opposition; but he has made a small mistake this time by trying to produce very cheap propaganda.

Another point raised was that the Minister drew attention to the national debts. He said that by the end of April, this year, Kenya had obtained about £50 million from the countries mentioned in the statement and that it was going to look for another £50 million and, therefore, the national debt of this country stood at £100 million. This, therefore, according to the KPU, makes Kenya a bankrupt country because the revenue estimates for 1969/70 is £73 million. Sir, what kind of logic that is, I do not know.

Let us take, for example, that the hon. Member for Gem has obtained a loan from some firm which he has to repay in five years, say, a loan of Sh. 100,000. In his pocket, at this time, he has Sh. 5,000 by way of salary. Now, does this make the Member for Gem broke, or bankrupt

just because he has to repay a loan in five years' time? Sir, this book states clearly where the revenue is going to be obtained for the next financial year. The revenue summary states what it is. On this page it is not shown where the Government is going to borrow any money to make up the amount of £73 million. This is the revenue we are going to receive this year. The loan given by the Union of Soviet Socialist Republics, the United States of America and so on is lent to this country for development over a period of 20 years. Does that compare with money which we are going to use for only one year? How does that cause this country to be bankrupt? This is cheap propaganda that has apparently been issued by the Opposition in order to mislead this country. I am sure people are reasonable and they, after reading this statement, will prove that the Opposition are actually promising Utopia. We are being told that, probably in a few months' time, heaven will open and from there will fall *manna* for us to collect. This is not what is going to happen.

Turning to the question of graduated personal tax, which has been remarked upon by the Member for Embu East, the hon. Mbogoh, and also the Member for Homa Bay, I think it is only natural that there will have to be some consequential adjustments after the tax for a particular income group has been removed. The Government is aware of this and is preparing for the consequential adjustments which will mean quite a number of things being done away with from the county councils. This will mean quite a high degree of assistance in the form of grants from the Central Government to the local governments. We are aware of this. We could not just remove this taxation from the county councils, say, the County Council of Homa Bay, and leave it to be in a redder colour than it is now.

Mr. Speaker, in the Economic Survey the graduated personal tax for all districts in the country only fetches £3.2 million and that is what is being left out. Maybe I should tell the House one small thing which looks strange. In my district, one location—I do not want to mention the name because the hon. Member for the area is not here—last year only 16 people were asked to pay Sh. 48. It was only 16 people who were assessed to pay Sh. 48—16 people only from the one location. 600 were assessed at Sh. 24. If you add this money together you will find a salary of a road foreman; one location paying graduated personal tax for the salary of just one road foreman, in the form of graduated personal tax. I just want to establish a point, that regarding graduated personal tax, there will not be much loss

[**The Minister for Information and Broadcasting**] of revenue with the steps the Minister for Finance has taken. It should therefore be amended, Mr. Speaker, that the question of having left graduated personal tax in lower income will deplete the country's development.

Mr. Speaker, Sir, there is one thing also to which I wanted to draw the attention of the hon. Members, and that is the question of unemployment. If we go to the economic survey book, page 154, we will find that those of us, and I am included in this group, who speak of unemployment, have failed to notice one thing. We have failed to notice that in 1966, just as long ago as two years, the number of—this is on page 60 now—our youngsters who did the Cambridge School Certificate Examination was about 8,000. Two years after that, that is last year, 1968, the number of those that sat the School Certificate was 17,000. This, Mr. Speaker, is three times more than the number that had sat for this examination two years before. Now, in this short space, the amount of development that would produce jobs for these youngsters could not have expanded threefold, it could not possibly have expanded that much, and this is a fact that we must bring forward. The growth of our educational side of development is faster than the growth of our economical development which would create jobs.

Now, the hon. Member behind me might probably suggest, as he is trying to, that we should plan to cater for this. One cannot do this, Mr. Speaker, unless one plans to leave out education completely because we, as the Government and as a country, have to educate our people. However, the fact that Kenya is not an industrial country, as other countries, makes this particular matter very bitter and painful. It is painful to the Government, it is painful to the youngsters looking for jobs, it is painful to their parents.

Mr. Karungaru: What are you doing about it?

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Speaker, the hon. Member is asking what I am doing, but I think he knows what we are doing because that was explained this morning in Kanu Parliamentary Group meeting.

Lastly, Mr. Speaker, I would also like to state a small thing that has been raised by the hon. Member for Kisumu who talked about sugar in Muhoroni. Sir, it is not right to accuse this Government for not having assisted the Muhoroni sugar growers. This people, I must say, are lazy by nature; the people of Muhoroni. The President directed that the whole army should be taken

into this place to assist these people to transport their cane to the factories—there are three factories in this area—but, Mr. Speaker, what did we find? The people were unable to cut the cane and put it on the lorries. They expected the army, which had gone to help them, to cut the cane from the *shambas*, to carry it onto the lorries and transport that to the factories. Mr. Speaker, this was very unfair indeed to the army and to the gesture the Kenya Army had given to go and help these people. If people are lazy, are we in this House going to move them to work? Are we going to be told by the Opposition that money is in Muhoroni and that sugar is rotting while this is because people are too lazy to pick up this cane and take it to the factories? We are not going to have this done or do that, Mr. Speaker.

The other point that was raised by the hon. Member was that he put the breakdown of employment in the offices by races or salary income by races. It is not for me to say, but the evidence is in this country, that the other races—those are the Asians and the Europeans—have been (if not eliminated completely) eliminated to a very great extent as workers in many offices, as compared with some time back. The breakdown that the hon. Member was giving in percentage was calculated very cleverly and intended to mislead the country, Mr. Speaker.

My last point, Mr. Speaker, is on the question the hon. Member raised concerning brewing of gin; we know that we make—

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, should we leave that to go unchallenged, namely that the hon. Member's figures which were given here were calculated to give a wrong impression? Is he not imputing an improper motive when a Member might have given it in good faith not calculating to—

The Speaker (Mr. Slade): Mr. Shikuku is quite right. It is all right to say that an hon. Member is saying things which will have a misleading effect, but to attribute to him the actual motive of misleading is contrary to Standing Orders.

The Minister for Information and Broadcasting (Mr. Osogo): Mr. Speaker, I withdraw that remark and say it was only a terminological inexactitude, on the part of the Member who stated it.

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

Mr. Lubembe: Mr. Speaker, thank you very much. I will begin with the issue which we could have raised today but, unfortunately, it was no longer an urgent matter. However, since it is my

[Mr. Lubembe]

right, when commenting on the Estimates that I can speak on matters which I think affect our nation, I do not think, Mr. Speaker, you will have any objection.

I feel that the question of the strike in the East African Community is causing great concern to the people of Kenya and to the people of East Africa. Firstly, I want to say, Mr. Speaker, that the dispute bringing the threatened Railways strike is very simple. First, the dispute existed; second, the dispute was reported to the Ministry of Labour, and according to the Trade Disputes Act of Kenya and the Community, the East African Industrial Court has its own procedure. This having been reported, it was agreed that the machinery was exhausted and the matter was referred to the East African Industrial Court. Now, Mr. Speaker, the case has been heard and strike action is legal according to the East African Treaty, Article 85 (ii), which says: "The East African Industrial Court shall exercise the powers referred to in Article 84 of this Treaty in accordance with the principles laid down from time to time by the Authority." These principles are given to the Authority by the Secretary-General of the East African Community. Now, in Tanzania the strike is not legal, they have declared it as an illegal strike permanently; and in Uganda they are moving on that way. We, in Kenya, are democratic and whenever we tend to go lower than we have grown, as trade unions and whatnot are concerned, we should know that such a tendency is tantamount to playing with a very hot and dangerous situation.

That being the case, Mr. Speaker, Sir, the Secretary-General, in my view, has not prepared this, and this is his action, not him. He has failed to try and give the direction required in order to give guidelines, and so our economy is being crippled. This, in my view, is a great danger, and if I had any opportunity I could have said that the Secretary-General has failed and as such—I mean the Secretary-General of the East African Community—he should resign forthwith.

The second point I want to raise, Mr. Speaker, is that our Ministry of Labour is not doing much. I do not have any feelings of anything else and no one can accuse me of anything, and I have said so even when I was still a labour leader. I think we have to separate the relationships of the people at the top in the Ministry. We cannot have a Permanent Secretary and a Minister being cousins and running a Ministry of such a sensitive nature properly. Those two people come from one clan in Kitui, or something like that, and they do not care what is happening. There is somebody misadvising somebody and another

misadvising another. I think the Ministry of Labour needs a proper reshuffle so that they get proper people to run that Ministry. The hon. Minister and his Permanent Secretary have completely failed because they do not know what they are doing.

I want to go on with this particular point, Mr. Speaker. We have a lot of situations which can be solved; we have a lot of strikes which can be avoided by the Minister without any difficulty. We have a lot of things which can be done if we have a capable Minister to run this Ministry. He has been given a law under section 20 of the Trade Disputes Act, and it gives him powers.

"Where it appears to the Minister that there is an actual or threatened strike or stoppage of work arising out of a trade dispute in any section of industry and the Minister is of the opinion that the matters to which the trade dispute relates have been settled by an agreement or an award, and a substantial proportion of employers and a substantial proportion of employees in that section of industry are either directly or through their respective organizations of employers and employees party to such agreement or award, the Minister may, by order, require the parties of such dispute to comply with the agreement or award and . . ." It goes on. We have had a lot of threatened strikes in an industry where agreement has been reached with another industry similar to that industry. This law gives the Minister powers to compel that particular industry to do things. We have had the domestic hotels, and other industries, which are completely similar and the Minister has been unable to compel the other employers, using these powers which have been given to him. We have the problem every day because the Minister is unable to do anything. How can we continue like that? We cannot suffer because we want to see the Minister going to Geneva and coming back and thanking everybody. We are not prepared to have these things continue.

I feel, Mr. Speaker, that this has got to be taken very carefully. We have now had all these strike threats and I have all the statements here. The Railway Union has already threatened a strike, but we have an agreement which was made and signed by the hon. Mr. Odera-Jowi, I think, and this agreement said that the matter was being referred to the Industrial Court. If the hon. Members want to see this agreement, I will leave it here. Here is a Press statement outlining the meeting which took place on February 7th, 1969, presided by Mr. Odera Jowi, to settle this dispute in the Railways. He has done nothing. Here is the statement. The Minister for Labour in Kenya has done nothing—the Ministry has

[Mr. Lubembe]

done nothing and now we are faced with all these threats. This is one statement which can be laid on the Table.

(The hon. Member laid the paper on the Table)

We have a statement, Mr. Speaker, issued by the Railway African Union supporting the Community; these common service workers. However, employees of the Community went on strike today, although the Minister said here that the Secretary-General has announced that the strike is called off. The information I got later, however, was that the airport was still having difficulties, and many other places. We will see about that tomorrow.

We have this big union of the railways supporting this and we are doing nothing at all; the Minister is doing nothing; the Permanent Secretary is away and trying to do his best in the governing body, and that is all. These are the statements coming out, and so on. Something has got to be done, Mr. Speaker. *This* I also lay on the Table.

(The hon. Member laid the paper on the Table)

I will also say, Mr. Speaker, that we have the notification of the Industrial Court of East Africa. For this you do not need to have the consent of the two parties because the Minister for Labour can refer it; if one party agrees to go to the Industrial Court, you do not need to consult the other party. Why has the Minister not done anything. *This* is a form which does not need to be laid on the Table because it is only a form which deals with this question.

Now, I am calling on this House to ask the Minister to do something, and if not, to resign. If possible, the Secretary-General of the East African Community should resign forthwith so that we get a better man; I do not mind even if he is from Uganda.

Now, I would like to come to another point. I was reading the Estimates and I saw that the Ministers have been allocated a lot of money. I must say I am not asking for anything. We have seen ourselves, that usually His Excellency the President calls us to State House on occasions and we have tea there and so on; but some Ministers are being given money for entertainment and I would like to know who they entertain and when. Our Vice-President was appointed in 1967 and up to now I do not know where he lives myself. No Member knows. They are being given entertainment allowance—but what for? When are they going to entertain? I

feel that this entertainment money should be reduced so that it helps the question of unemployment.

I want to go to the question of immigration. The other day one hon. Member condemned immigration officers, but I would like to say that I am here to defend them because the whole problem has nothing to do with them. The whole problem is caused by the Minister responsible for Immigration Department and his Permanent Secretary. The immigration officers are doing what they can and, in fact, they should be congratulated. Let us appoint an inquiry and find out who the people are who are getting citizenship now, and who is giving them letters of recommendation so that they can get citizenship. We will be surprised. I challenge the Government, or the Minister, to appoint a board of inquiry to see who is giving the foreigners recommendation letters and thereby enabling them to get citizenship even though they never applied in time. We know who is doing this. Therefore, I think the hon. Member who is attacking the immigration officers is completely wrong.

Mr. Shikuku: Mr. Speaker, Sir, I realize that the hon. Member has nearly finished his time, but the hon. Member has stated something very important, that Ministers give letters to some people soliciting for citizenship. Could he substantiate that?

The Speaker (Mr. Slade): I do not think he actually alleged that. I think he raised the question as to who was giving recommendations, without answering the question. He can do that.

Mr. Lubembe: I am surprised that today the hon. Member is a good defender of the Ministers while he is normally bitterly against them. I never mentioned the Ministers; what I said was that we should have an inquiry to see who is doing it.

Another thing, Mr. Speaker, which I think should be considered is on the question of appointment of law officers. I want a Solicitor-General to be appointed. We want that post to be brought back. When we had Kitili Mwendwa—our present Chief Justice—there, somebody made him ambassador and he was just running about. Who is drafting our laws? The Attorney-General is busy with political matters and he is always in the homes of the destitutes and in this House on Parliamentary business. Now, who is drafting our laws in this country? We have no Solicitor-General; we only have some officers there. We have some Africans who are very slow, and I feel that an African should be promoted to become Solicitor-General

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in that particular department. There are young people now in that place doing very well in the City Council and some of them have proved to be very good. The Attorney-General should make one of them the Solicitor-General, and appoint another one to be the Senior State Counsel. We would like, Mr. Speaker, our young men who are coming up out of the law schools to be given opportunities. They should be given good jobs and some of them made magistrates.

I feel, Mr. Speaker, that we need to have African judges appointed. We have had one or two, but let us have more. We have many lawyers here, like hon. Nyamweya, and hon. Wariithi and so on. Somebody should approach them and ask them to become judges in this country. We cannot continue to have foreigners running our Judiciary. I would like to say also that the judges should not be involved in public political statements which they are being pushed into by us, the politicians, I think we should refrain from this. Our judges should be private people who can make decisions when it comes to the question of making them. When you criticize them in public, you are putting them in a place where they have to retaliate and say things they should not say. I think this should be avoided.

I come now to the question of graduated personal tax, Mr. Speaker. I hope the Minister for Finance will ask the Minister who deals with the provinces to see that all the chiefs are told that Sh. 48 is no longer there. I know they are going to say that somebody who should have paid Sh. 24 will now pay Sh. 48. This must be looked into.

I must thank the Minister and say this has been a good Budget.

With these few words, Mr. Speaker, I support the Budget.

The Speaker (Mr. Slade): Hon. Members, the scope of a debate on the Financial Statement is very wide, but, after all, it is essentially a question of the economy of the country. I do recommend hon. Members to confine themselves in this debate to matters affecting the economy of the country in some way. There is still a very wide field. For instance, the question of the appointment of judges, important though it may be, is better raised when we come to the Vote for the Judiciary than in the general debate on the Financial Statement. That is just one example of what I think is not really relevant in a debate on the Financial Statement.

Mr. Lubembe: On a point of order, Mr. Speaker, I am not challenging your ruling, but

when we are given Estimates by the Ministers, laying down all the Estimates for each, are we not allowed to comment on them when we are talking on the Budget generally? If I want to comment on the Attorney-General's Chambers, or on the Ministry of Home Affairs, or on the Auditor-General, am I not allowed to do so even before we move to that particular Ministry?

The Speaker (Mr. Slade): No, I cannot say you are actually debarred from it, but I would point out that this is a debate on the Financial Statement. It is a debate on the Statement made by the Minister for Finance last week, and it is a Statement which leads up not to the Estimates, but to the Committee of Ways and Means to vote the taxation. You do have your opportunity of discussing the Estimates in detail you see, for 20 days. It is only my recommendation to the House that we could spend our time better in this debate by keeping more closely to the subject of the Financial Statement.

Mr. Karungaru: I would like to join my fellow colleagues who have spoken in this Motion.

Mr. Speaker, I have a few questions to ask the Minister for Finance. I would like to know who advises him because I fail to understand who does so. The Budget of this year reflects a bias in favour of the rich people of this country, and I think that the people who have an interest, perhaps, are the ones who have advised on this. Why I say this, Mr. Speaker, Sir, is because I know in the industrial area there is a factory manufacturing native beer, and this native beer is bottled and sold in the countryside, and this beer is not taxed. We should be told about this this afternoon. I asked the Assistant Minister for an explanation the other day on whether in the next Budget this beer was going to be taxed. Now, after having examined this year's Budget I see it has not been taxed at all. I would even say that perhaps the Minister concerned has an interest in the beer.

The Speaker (Mr. Slade): Order! You have no right to say anything of the sort. You will withdraw it.

Mr. Karungaru: I will withdraw if he has no interest.

The Speaker (Mr. Slade): Order! You will not make any allegations of that kind unless you know for certain that he has. You will withdraw it and apologize for making a statement like this, unless you are prepared to substantiate it, of course. You can if you like, substantiate.

An hon. Member: Withdraw it.

Mr. Karungaru: I will not withdraw.

The Speaker (Mr. Slade): Then you will apologize for making such a statement. Mr. Karungaru, you will apologize if you cannot substantiate now.

Mr. Karungaru: I am going to substantiate, Mr. Speaker.

The Speaker (Mr. Slade): You can substantiate? Very well.

Mr. Karungaru: Mr. Speaker, I understand the Minister for Finance together with another man run a brewery of native beer in that area, and that they are putting this beer in bottles and selling it like English beer, and this is being sold in the country.

The Speaker (Mr. Slade): Yes, and how do you know this?

Mr. Karungaru: I know this because I am a Member for Nairobi and I have been going to that place and I was told there he was a member of the firm.

An hon. Member: Who told you?

The Speaker (Mr. Slade): What is the name of the firm, and who told you? Substantiation means this, you see.

Mr. Karungaru: The firm is making the native beer known as *Maratina*, and it is in the industrial area.

The Assistant Minister for Finance (Mr. Balala): What is the name of the firm?

Mr. Obok: On a point of order—

The Speaker (Mr. Slade): Order! I am dealing with a point of order, and I want to hear the name of the firm and the source of the information.

Mr. Karungaru: It is *Maratina* Industries.

The Speaker (Mr. Slade): That is the name of the firm is it? *Maratina* Industries. You must be very sure of your fact, you know, because I would remind hon. Members of what happened to Mr. Munyasia the other day when he told this House a lie and made up a story. You must be very sure of your facts.

Mr. Obok: Mr. Speaker, Sir—

The Speaker (Mr. Slade): I am dealing with a point of order. Will you leave me alone? You interrupt too often on points of order, Mr. Obok.

The name of the firm you say is *Maratina* Industries?

Mr. Karungaru: Mr. Speaker, I am not actually sure if that is the correct name.

The Speaker (Mr. Slade): You have to be sure of what you are telling this House.

Mr. Karungaru: Mr. Speaker, I do not want to be surrounded by problems of being asked to withdraw and so forth; so, may I now withdraw and continue making my speech?

The Speaker (Mr. Slade): I think it is wise, but you must apologize also.

Mr. Karungaru: I apologize.

Mr. Speaker, this kind of beer is putting a lot of people in Nairobi into prison for nothing. Mr. Speaker, nowadays it has become the practice of our Government that, once a person has been arrested, he is not taken before a medical officer for an examination. He is taken to Makadara Court or to any other court and if he denies the charge then he is put in. If he is put in for seven days, Mr. Speaker, when he comes out he finds he has lost his job. Who is going to find employment for this man again?

This is why, Mr. Speaker, many people who are arrested on this charge do admit they have taken drink without any evidence being given. This is very wrong. Mr. Speaker, Sir, if we want to run the country we should be honest in whatever we are doing. There is no reason why we should punish people who have no cause to be punished. Mr. Speaker, in the countryside this kind of beer is given to some people who are rich; and I tell you, Mr. Speaker, many people in our country are going to die because of this beer. I have been in the rural areas and I have seen that many people are now growing thinner and thinner because they drink this so-called *Maratina* beer, and they do not have food to keep them fit.

I do not know if we have any laboratory which is looking into this kind of thing. Mr. Speaker, I would ask the Minister concerned to tax this kind of beer in order to discourage rather than encouraging it. Mr. Speaker I do not want to dwell on this point any longer and will move to my next one.

Mr. Speaker, I now come to the question of local products, such as cigarettes. Mr. Speaker, we have been told these cigarettes are being used by the common people and so on, and, therefore, they are not worth being taxed.

An hon. Member: Who told you that?

Mr. Karungaru: The Minister for Finance.

Mr. Speaker, Sir, I fail to understand the logic behind this. I have heard the other Members asking if we are going to give free education, particularly primary education and so on, but how are we going to do this if the Minister does not

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

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

[Mr. Karungaru]

look into ways of raising money in order to provide the facilities required? From where are we going to obtain money? Are we going to obtain it from heaven? We must obtain money from the few rich people who are exploiting the poor people. First of all, this kind of cigarette, Mr. Deputy Speaker, for the information of the House, time and again we have been told it brings cancer. If it brings cancer, then is it not likely to finish our people? Why should the Minister for Finance encourage something which is going to kill our people? Does it mean we have more than enough people in our country and therefore we should leave some to die?

Mr. Deputy Speaker, now I come to the question of this English beer which is brewed at Ruaraka and other places. Mr. Deputy Speaker, we were told that these people were not going to be taxed so much and that the economy is good. Mr. Deputy Speaker, let us be fair: this kind of beer must be taxed twice more than what it is taxed today because I know the people who have no interest in this company have also an interest in companies in other places like Britain, and the Africans are drinking English beer and they find they are left with nothing, they go naked, they cannot feed their children. This kind of beer has been very much advertised over the Voice of Kenya and this has now become the voice of beer and not the Voice of Kenya, because it is all the time advertising beer. I feel that it is for the Minister for Information to see my logic in advance before I tell him. Actually this is the voice of beer.

Mr. Deputy Speaker, I now come to the question of loans. The question of loans is a burning issue and this Government has to be careful. Today, whoever has something has a chance of obtaining a loan from the Government. Whoever does not have anything will die with nothing. It should be the policy of the Government to encourage poor people to come forward and get loans. Who is making this policy? A person who has a building is going to go on acquiring building after building—one day all the buildings in the City of Nairobi will be owned by one man—and that will be an African—and it will be difficult to remove this African because we will not have the excuse of saying that he is a foreigner or a non-citizen and so on. It is high time we corrected this imbalance. If we are not going to correct it in time, Mr. Deputy Speaker— We are now sitting on a fire and one day we will see what will happen.

Mr. Deputy Speaker, the question of distribution of agencies. Mr. Deputy Speaker, we find one man being given distributive agencies for

various commodities. He will be given the distribution of sugar, of *unga*, of wheat, of wines and so on—this will be one man alone.

Hon. Members: Who is he?

Mr. Karungaru: What kind of economic freedom can we enjoy? Nothing. This is because one is not able to get a loan. Why is this?

The Deputy Speaker (Dr. De Souza): Order!

Mr. Lubembe: This is a matter that can be very explosive. This hon. Member has stated more than twice that one person will one day own the whole of Nairobi buildings. Again he speaks of the same man, or another man, having a lot of distribution contracts covering the whole of Nairobi. Would it not be useful, for that matter, to this House, if he indicated and said which person this was—himself? This is because we do not know. All we assume is that it is him.

The Deputy Speaker (Dr. De Souza): Order! Mr. Lubembe, that is not a point of order. Certainly, you are not trying to make a speech out of it. The second point about it could, I think, be substantiated. You say there are cases where one man has a number of distributive agencies. Perhaps you would like to substantiate it. I do not know whether the Government is denying it.

Mr. Karungaru: Mr. Deputy Speaker, this is a terrible mess of the hon. Members who are in this House. Having interrupted the Member who has been speaking, it is the time to start again. There are certain people who have a variety of distributive agencies. They have been given this. Recently in the *Nation*: "J. M. on the carpet".

An hon. Member: Is he among them?

Mr. Karungaru: What? I am not saying that but I am giving instances of what is happening. He said that he has been given cement—

An hon. Member: Who is J. M.?

Mr. Karungaru: J. M. Kariuki. He has been given cement for distribution. He has also been given the distribution of iron sheets, hardware and some other things. Mr. Deputy Speaker, Sir, that was only one man. I know another man. Rubia, has all these various distributive agencies. He has all these in his godown. If you go there you will find all these variety of things. At the same time, he is a director of so many boards.

An hon. Member: What is wrong with that.

Mr. Karungaru: Mr. Deputy Speaker, Sir, since, I do not qualify to speak for the tribal breakdown, and at the same time I do not belong to the tribalistic clique, let me, therefore, continue.

Mr. Deputy Speaker, what I would like is that the Government should be the guarantor of loans taken by the poor people, instead of telling them,

[Mr. Karungaru]

"you do not have this or the other, and therefore you cannot get the loan". We, actually do not know where we are heading to. Mr. Deputy Speaker, Sir, at one time a certain Member spoke, allegedly, that some people who had been detained are getting everything. May I take this opportunity and tell the hon. Member that there are so many of these people of whom he was talking about that are going naked and whose children cannot get education. This is because these people cannot get anything in the nature of surety or security. Therefore, the authority which we have been given by the Assistant Minister for Finance for signing is nothing but queer. Nobody will accept that. You should go and change it immediately.

The Assistant Minister for Finance (Mr. Balala): You received a loan yourself.

Mr. Mate: I would like to make a few comments on the speech which was given by the Minister for Finance. Particularly, I would like to comment on one item which he mentioned, concerning the giving of help by the Government to *Harambee* secondary schools. He said that in the Development Estimates, the Government is considering giving money to *Harambee* secondary schools. Mr. Deputy Speaker, Sir, I hope that when the Ministry of Education comes to consider this particular issue, they will realize the importance and the size of the problem in as far as *Harambee* secondary schools are concerned throughout Kenya.

It was the call of the President and the Government of this country, Mr. Deputy Speaker, which made people put up some schools, health centres and so forth. Mr. Deputy Speaker, Sir, in many parts of the country, many people have contributed a lot of money for the erection of these schools. Many questions have been asked in this House of the Ministry of Education, as to what the Ministry intended to do to integrate these schools. I was very pleased to hear the Minister for Finance mention this particular item. I hope the Government will take this very seriously.

If I take some of these districts in this country which have put up these schools, which the Government could not have put up by itself, because the money which is at its disposal is limited, but the people have gone out of their way to put up these schools, and they are still continuing to do it even today, I feel very strongly that the Government should realize more and more that this is part and parcel of the educational programme of this country. The Government should, therefore, take them over as soon as possible. They should do so even before they set up their own schools

and colleges. I do not know what will happen in future, if the Government continues to plan on its own, programmes of secondary schools and teacher training centres, while on the other hand neglecting or ignoring the *Harambee* secondary schools. I would like to point out to the Government that they should take stock of these schools all over the country and include them in the development programme; instead of setting up new ones, take them over immediately. This is because, in future, if they cannot get proper teachers, syllabus and the facilities required then, I think, it will be a double loss to the country.

When the Minister mentioned *Harambee* secondary schools being taken over, I am sure, they will even go out of their way even to borrow money from overseas to take over more and more of these secondary schools and stop opening new secondary schools, the so-called Government ones, forgetting the schools that belong to the people who are taxpayers and citizens of this country. I hope the Government will look at this problem seriously.

Mr. Deputy Speaker, Sir, the same applies to health centres. I know many. For argument sake I will take my constituency where people have put five self-help health centres. I am glad to say that one of them has just been taken over by the Government and the Meru County Council this year. I hope the others will be taken over when they are ready because there have been plans of filling the gap which the Government could not have filled before.

Both the people and the Government at the local level have been involved. Taking such cases into consideration, I cannot see the reason why the Government should not come forward and plan for new ones instead of taking over the work which has been done by the people themselves. I know that throughout Kenya such projects have been put up. They have been put up with the encouragement and the assistance of the Government or local government bodies, or some other Government agencies. I feel, Mr. Deputy Speaker, that it is high time we integrated these schemes, instead of having competition between the so-called Government effort and so-called people's own effort. I do not see the difference between the Government and the people.

Mr. Deputy Speaker, Sir, let me come to the question of roads. If one reads the speech of the Minister, one sees the great roads like, the Great North Road to Addis Ababa, the Tororo Road and the Mombasa Road and some other big roads. What is the position of the small roads throughout the country which require equally important immediate action on the part of the

[Mr. Mate]

Government for the sake of the people living in a particular area? I was not satisfied, when I was reading through this speech, to see that feeder roads and trunk secondary roads which will be taken over by the Government are too few. Mr. Deputy Speaker, I do not know what the Government thinks about people who live outside big towns which have obviously good roads. There are the people who live in the countryside who have to market or bring their produce to be marketed in the big markets of Nairobi, Mombasa, Kisumu and Nakuru. This was very disappointing and although the Minister did say that they are negotiating loans for more and better roads, I felt that Government should go deeper into this particular problem because without proper communications there is a lot of difficulty experienced by the country people.

Mr. Deputy Speaker, Sir, at the risk of repeating myself, I would like to mention again the old Embu-Meru Road. I do not mind repeating myself. I did not see anything at all to mention the old Meru Road via Chuka, Igoji and Nkubu, which is mentioned in this particular development programme. When the Minister for Works repeated assurances in this House, when answering questions, I hoped that they are going to do something about it. Last May this Minister for Works came to Meru and, addressing the people in Meru, said that he was going to do something about it. How can they do something about it when they do not put it in black and white in the development programme? Mr. Deputy Speaker, Sir, I do feel that the Government owes a debt to Meru people who are living this particular area. To realize this road, they have already surveyed it, re-aligned it and said that they are going to bring machinery to do it—they say that there are too many bridges to be built and it will cost them a lot of money; It is one of the areas with many rivers and it is fertile. When they talk of bridges, when will there be more bridges? Mr. Deputy Speaker, Sir, I notice that the Ministry of Works did fail to put down the feeder roads that they have been talking about; they know about it and I do not know why they should be so slow. I believe that the need has been proven beyond any doubt as far as they are concerned.

Mr. Speaker, Sir, I come to the next question which the Minister mentioned about marketing in general. He mentioned foreign prices of things like wheat, tea and coffee and also other crops like maize. Mr. Speaker, Sir, the Government should do all it can in order to facilitate easy and better marketing of our crops, especially to

internal markets to which the people in the countryside travel, say to Nairobi or other big towns. Our people cannot now transport their vegetables, cannot transport their produce so as to sell in the towns in good time and get some money because of bad roads, bad communications and so forth something should be done because I feel that our internal markets have been fully exploited.

The Government should do more to stimulate the internal markets within the country and maybe outside Kenya as far as local commodities are concerned. They should encourage people of Kenya to buy more of their own goods instead of all the time relying on the external markets which they tell us is failing, and yet we are encouraged to plant more and more of this crop and then if there is no mandate, I do not see where we are heading to. Mr. Speaker, Sir, I do think the Ministry of Agriculture and the Ministry of Commerce and Industry should go more and more into this particular problem of marketing.

That goes with roads and communications, and I think it might be very right to go for big money from outside for these projects in big towns like Mombasa, aerodromes and other big projects like hotels in Nairobi. The people from the countryside cannot lodge in these big hotels, they can be put there for the visitors who come there. Our people want to see more projects in their own areas which can improve their economy and their way of life, but not just big hotels in Nairobi, big projects to impress the visitor, while forgetting the ordinary people in the countryside.

Mr. Speaker, Sir, I would like also to come to another problem, which is the mission hospitals. This is from what the Minister has said and it is in the Estimate. Mission hospitals seem to be deliberately neglected and ignored by the Government. I do not know when Government will ever put up a hospital, say, at Maua or Maseno or Kilgoris for the people when they have no money and these other bodies have done it; and yet the Government continues to refuse to assist them. Mr. Speaker, Sir, I appreciate the big projects, like the building of the medical school at Kenyatta National Hospital for the University College, that is quite all right. There are training institutions here and there, but why do they not consider more grants to be given to the mission hospitals, church hospitals, and then Government interest themselves in the management of these hospitals by sending them nurses, doctors and so forth, a closer integration because they will never be able to put up other hospitals instead of those hospitals which in any case are needed. Mr.

[Mr. Mate]

Speaker, Sir, I do feel here the Government, and the Ministry of Health particularly, should go into this particular problem and assist the mission hospitals more. In order to be able to lower the fee they have to judge the people who go to these hospitals, which are available wherever they are, and also to give them equal facilities as at Kenya National Hospital. We have an overcrowding of patients at this hospital because it provides free medicine and also in all other district hospitals. What of the people who live in areas which have only mission hospitals? When will they ever get these facilities? So, Mr. Speaker, Sir, Government should do more towards integration rather than go with the idea of separating the so-called mission hospitals and Government hospitals, at the detriment of ordinary taxpayers. Mr. Speaker, Sir, this is a matter which the Government and the Ministry of Health should think of very seriously throughout the country.

Mr. Speaker, Sir, finishing, I would like to pay tribute to the big grant that the Kenya Government gave to the project of expanding and re-modernizing Chogoria Hospital, which I hear that the people all over the area appreciate very sincerely and I hope in future, when the hospital is about to be modernized, the Government will take a keener interest in it as far as the staff is concerned, doctors, midwives and nurses; and also the facilities that are there today and the work they do for the people there, Government will take a greater and keener interest, and should there be any more help needed in future, they will take a keener interest. It is one of these mission hospitals, an old good hospital, which luckily has been saved from the calamities of any other hospital. I saw the *East African Standard* people were writing in the *Standard* that hospitals like Maua, in Meru, might be closed, and also other hospitals I hear, in other parts of the country. Mr. Speaker, Sir, on this particular one, Government should take more and more interest and do away with the idea of saying it is a mission school, a Government school, and so forth. Alliance High School is a mission school, Mangu High School is a mission school, Kagumo is a Government school, Machakos is a Government school; what is the difference? Is it in the output of the students who come from these schools or is it the feeling of those people who go to those schools? I think the Government is mistaken and it is too late for them to think in terms of a mission school, a mission hospital, a Government school, a Government hospital—or first schedule, second schedule—because the same people are being served by the same institutions.

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

Mr. Godia: Mr. Deputy Speaker, Sir, I too would like to associate myself with my colleagues who have supported the Minister's speech on the estimate.

Mr. Speaker, Sir, to begin with, I want to thank the Government for the developments which have taken place in my constituency. I would like to thank the Minister for Agriculture for his assistance in getting a water project completed for Tigoi-Kibosiva. Mr. Speaker, Sir, my people are very pleased and are very grateful to the Government for the water. We are also grateful for the tea development which is taking place in certain areas. Mr. Speaker, Sir, we would like the Minister to consider sending, to Hamisi, experts who would find out the site which would be suitable for building a factory for tea. That is the thing that is required very much by my farmers and I would like the Minister for Agriculture to consider it very seriously.

Mr. Deputy Speaker, Sir, we would also like the Kenya Tea Authority to assist in the maintenance of the tea roads in Hamisi, because although we are very grateful for the construction work which has been put into the roads, the roads are getting bad. We would like to urge the Ministry of Agriculture, and the Kenya Tea Authority to continue to assist in the maintenance of the tea roads until such a time as we can look after our roads better. What I feel applies here is exactly opposite to what the Minister replied this afternoon, and that is our farmers, the tea growers, would like the tea price to be increased because they do not get enough from the tea, and as they are not represented very well on the body which is responsible for the fixing of the prices. They would like to urge the Minister—or whoever speaks for the growers on that authority—to see that the price of tea is increased by at least 10 cents. This would give the farmers a bit more money to look after their farms. Also, Sir, it should also be possible for every tea grower—

An hon. Member: Does this apply to Hamisi?

Mr. Godia: This applies, Mr. Deputy Speaker, to the whole country.

Mr. Deputy Speaker, Sir, I would like to appeal to the Minister for Agriculture to seriously consider the question of a vegetable factory in Hamisi. We have plenty of vegetables, and each year I have been putting this question to the Ministry of Agriculture, but nothing has been coming forward. Now, I do hope that this year—according to the reply which I received from the Minister for Agriculture—whoever is coming to

[Mr. Godia]

survey the situation will be able to recommend for a vegetable processing factory to be established in Hamisi so that we can process all the vegetables we grow. These vegetables can be tinned and sent out here for export to other places and countries where there are no vegetables. Mr. Deputy Speaker, we have plenty of tomatoes, plenty of onions and all sorts of other vegetables. I would urge the Ministry of Agriculture to see that something is done. I know of other countries where they find it difficult to grow vegetables. Such countries, especially European countries, would benefit very much from our own vegetables from this country. Therefore, the Ministry of Agriculture should encourage this very much.

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

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

Mr. Speaker, Sir, I would also like to appeal to the Minister for Power and Communications to consider extending electricity to every school, to every market in my constituency where this has been applied for.

Mr. Speaker, Sir, regarding teachers: teachers are a very important asset of this country and, therefore, I think the problems facing them should be considered very patiently, knowing that it is a problem which is touchy. We know that many of the Members of this House have been teachers and they are, in fact, interested in teaching. Therefore, any matters regarding teachers in the country ought to get our assistance. This House has recommended the implementation of a unified teachers' service. When we passed that Act—the Act unifying the teaching service—it was hoped that all teachers in this country would be under this Act, but from what we have heard this afternoon it appears now that we have some teachers who are civil servants and others who are members of the Teachers' Service Commission. This principle was objected to by the Kenya National Union of Teachers and I have no doubt that they still object to that principle even now. Therefore, I think the Minister should consider this matter seriously to see that he satisfies the teachers because this brings a lot of confusion and a lot of disagreement among the teachers. All teachers should be under the same employer, and that is the Teachers' Service Commission. Those teachers who are known as civil servants should be automatically seconded to this commission.

An hon. Member: The Teachers' Service Commission is inefficient.

Mr. Godia: Mr. Speaker, Sir, another hon. Member is suggesting that the Teachers' Service Commission is inefficient and so the Minister should make it efficient. Therefore, Mr. Speaker, all the teachers who are now regarded as civil servants should be seconded to that commission and looked after by that commission. This would be in accordance of the terms of the resolution which we passed in this House some time back. I do think that the Minister should consider this matter seriously to see that the teachers' problems are met.

Mr. Speaker, Sir, the teachers were to go on strike this month, but this strike has been postponed until the 10th of next month, and I do hope that the Minister for Education and the Minister for Local Government will say O.K. to all the problems and the grievances put to them by the teachers. The teachers are, in fact, the wisest people in this country and whatever proposals have been put forward by them should be taken as real proposals which are the problems of this country. I do appeal to the Minister for Education and the Minister for Local Government to accept their conditions and satisfy them so that we do not get this strike.

Mr. Speaker, Sir, it would be necessary for the local governments, I think, to find the means of raising money. I know, as we have already heard, that each local authority may not get as much money as they had this year, next year because of the waiving of the Sh. 24 graduated personal tax. That being the case, I think that any local authority which feels it can tax its people to find some money to carry out its own services, should be allowed to do so; the Central Government should not be in their way. I think we should free the local authorities to tax their own subjects in the manner which they think necessary in order to run the services for which they cannot get money from the Central Government.

Mr. Speaker, Sir, I would like to appeal to the Minister for Lands and Settlement here, especially to consider, before the end of this year, sending a team of land registrars to register all those who need to have their land registered in Hamisi. This work has been going on very slowly and nothing has been accomplished.

Mr. Speaker, Sir, regarding the strike by the East African Community, which is on now, I would like to second my colleague, the hon. Lubembe, who suggested that the best solution to the strike situation of the East African Community is for the Secretary-General to resign.

An hon. Member: Why?

Mr. Godia: Mr. Speaker, Sir, this has been suggested because the Industrial Court has heard the case and has made recommendations, and I

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think the Secretary-General has not called the Authority to come together to make a decision. That is possibly the reason why these workers have gone on strike; and if that is the case, that is why my friend, the Secretary-General, has been blamed. I have reason to ask him to give way if that would not help the other things to be normal.

Mr. Speaker, Sir, I would like to go on a bit with the other Estimates. On education, Sir, the Minister has recommended £1.9 million for education. However, Mr. Speaker, I would like to ask him to increase this by another £1 million so that the total amount is £2.9 million. This would enable us to pay for the salaries and maintenance of all our teachers in all our *Harambee* secondary schools. We are tired with running the *Harambee* secondary schools without Government aid. Some of these have been running for six years and it is a pity that Government is not coming in at all. We would have liked to see Government coming in and assisting most of these *Harambee* secondary schools by taking them over and paying all the teachers. What is required here is an additional £1 million and then we will get away with this burden of the *Harambee* secondary schools. Therefore, I would ask the Minister for Finance to consider this seriously.

In addition, there is this question of the self-help projects; it should be possible for the Government to consider taking them on gradually. There is no need, Mr. Speaker, for the Government to aid a self-help *Harambee* project and then leave it there; once it has received aid from Government, it should continue to receive aid from Government year after year.

Mr. Speaker, Sir, I would like to raise another matter here, and that is on land transfer. It is known that most of the land which was agricultural land, was originally occupied by British settlers, or was occupied by the British Government many years back. In some places the land was taken freely, and in other places the fee paid was bought at 5 to 10 cents an acre; and now the price is over Sh. 200 per acre for an African farmer who wants to move there. My recommendation is whether our Government would consider—or for that matter, the British Government—in the case of land transfer that we only pay for the development of the land and also the amount which the British Government paid for that land at that time, without paying very much more.

Mr. Speaker, Sir, I would like to appeal to the Minister for Finance, the Minister for Economic Planning and Development and the Minister for Labour to consider very seriously the matter of jobs because we have very many

youngsters who leave school year after year and unless we plan carefully how they can be occupied, it will be very dangerous for this country.

Therefore, Sir, I would like to support the Budget Speech made by the Minister and hope the points I have raised will be considered very sympathetically.

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

Mr. Omar: Mr. Speaker, Sir, I also rise to support the Minister for Finance for the manner in which he has delivered the Budget Speech.

I am glad that he has waived the Sh. 24 Graduated Personal Tax. But that is not enough, Sir, because I am sure that some of our county councils and local authorities are bound to suffer as a result of waiving this taxation. So I would urge the Minister to see to it that any time he is approached by a county council or a local authority for financial assistance he should help them.

The Minister could have increased the national revenue if he increased the price of petrol which is all the time being consumed. In this way he would have obtained a lot of money if he had increased the price by 5 or 10 cents a gallon. I also feel that the Minister could have increased the national revenue by imposing a fee on embarkation and disembarkation at our airports. We have seen in many countries that all tourists, passengers travelling by air are forced to pay embarkation or disembarkation charges and I do not see any reason why the Minister for Finance could not have done the same here. This opinion has been expressed by many Members during the Budget Debate last year. I thought, therefore, that the Minister would have introduced this taxation this year. If you look at the statistics of the passengers who come into Mombasa airport and Nairobi airport, you find that the number is a very, very big one, and if the passengers were charged an embarkation or disembarkation charge, a lot of money would accrue from that. I hope next time the Minister will see to it that he imposes such a charge on these passengers at the airports.

The Minister also could have raised money from the forests. I know quite a lot of forests which, at the moment, are being maintained by the local authorities. We have many times, here, urged that such forests should be taken over by the Central Government. We have said this because in some of these forests there are very useful trees which, if the Central Government took over, could be felled and the timber sold. From

[Mr. Omar]

this the Government would get a lot of money. Unfortunately, every time we ask the Minister for Natural Resources about this, he says that the forests belong to the local authorities and he leaves it to the local authorities to decide whether they should give these over to the Central Government or not. So I think the Minister for Finance should now talk with the Minister for Natural Resources so that he also convinces the local authorities to hand over these forests which have valuable trees in order that the trees can become the property of the State, so that money can accrue to the State from these trees.

I also feel that it is time that we, as leaders, tried to discourage as many people as possible not to take active part in politics merely because they want to come to this House for the purpose, probably, of gaining a lot of money. The present Ministers' salaries, Sir, should be reduced to Sh. 3,000 a month, and even the salaries of the Members should be reduced together with the attendance allowance and night allowance. By so doing we shall discourage many people from wanting to come to this House. Many people tend to think that by becoming Members of Parliament they can become wealthy. So, many people instead of thinking of embarking on business or agriculture, or even doing things, only think of coming into this House. So I feel the time has come when the Minister for Finance should reduce the salaries of the Ministers.

The time has also come when the Government should think of reducing the number of Ministers in order that a lot of public money is not spent on politicians who become Members of this House. I remember when we were elected in 1963 the initial salary was Sh. 833/33 per month. Over and above, there was a constituency allowance of Sh. 200. That was enough, and because it was only so little, it discouraged many people from wanting to come to this House. However, when people heard that the salary was increased to Sh. 1,400 per month, and then again increased to Sh. 2,000 a month, they began to think this was the place to make money. This is a very bad thing which this country has to be educated on. Many people should be discouraged from thinking that this is a place where they can make money. The other day we blamed some women who had successfully accused some men and had Affiliation Orders made against them. We said they had commercialized the Act. I feel that we have also commercialized politics because we have increased our salaries. So I think the time has come when the Minister for Finance should reduce the salaries of the Members of this House. That

would save a lot of money which could be spent on development projects for the country. When you decide to become a politician, you do not do that simply because you want to enrich yourself; you come here to contribute to the debates and give suggestions to the Government so that the standard of living of the people can go up. This should be the chief aim of everybody, man or woman, who wants to become a politician. Some people decide to become politicians because they want to enrich themselves, and that is very bad. If this attitude continues, then those people with such aims will find themselves in chaos, in the soup.

Mr. Speaker, we have seen here, and it has been proved at one time, and in fact it was substantiated by hon. Ochwada, that some Assistant Ministers had been paid gratuities. To the best of my knowledge, Sir, I cannot remember at any time when we discussed and decided to pay those gratuities to the Assistant Ministers, or to the Ministers for that matter. As hon. Member, Mr. Speaker, is telling me that we did. I cannot remember that at all. I feel that this was entirely wrong, for the Minister responsible for Finance to allow some money to be spent on paying gratuities to Assistant Ministers. It is a very bad thing and it is my strong belief that every person or group of persons who were responsible for paying the Assistant Ministers gratuities ought to be brought to justice. I feel this is a daylight robbery. Let us not hide the feelings of the people in the country. When they read about this in HANSARD—because HANSARD goes to the civil servants—and in the newspapers they realized that money had been paid by way of gratuities to the Assistant Ministers and they were strongly against this. This is wrong because public money cannot be spent unless the consent is obtained from this hon. House. In this respect, the consent was not received, and so that was wrong, Mr. Speaker.

Mr. Speaker, we passed a law here in this House, that 50 per cent of the graduated personal tax should come to the Central Government, to the Minister for Local Government, and I am happy to see the Assistant Minister is nodding his head, I would like, Mr. Speaker, to tell the Assistant Minister, through the Chair, that people are not happy with this at all because by transferring 50 per cent of the graduated personal tax from Mombasa to Nairobi, the rate-payers in Mombasa have suffered in that the plot rents they have been paying to the Mombasa Municipality have been increased by almost 50 per cent. Not only that, but even the shop fees, Mr. Speaker, have been increased from Sh. 40

[**Mr. Omar**] to Sh. 200. The people in Mombasa who want to obtain these licences find it very difficult because part of the graduated personal tax money which was collected in Mombasa is brought to Nairobi.

Another thing, Mr. Speaker, is that we are glad in 1964 the Central Government agreed that pedestrians should not pay toll at the Nyali Bridge and also at the Likoni Ferry. During the debate, we were told the Government would also consider the possibility of waiving toll for the cyclists, but since that time, up to now, Mr. Speaker, nothing has been done. As you know, Mr. Speaker, very many people are jobless and many people flock to Mombasa, and they have bought bicycles, and they find it very difficult to pay toll for the bicycles. I think the Minister, since he found it fit to waive the graduated personal tax of Sh. 24 for those people who are earning very little, or who have no means of earning their livelihood, should also see fit to waive tolls for all cyclists crossing the Nyali Bridge and also at the Likoni Ferry. Mtwapa too because it is also a part of the Mombasa District and it would help a great deal if there was no toll there.

Another point, Mr. Speaker, is about industries. I feel Mombasa, geographically, is the most suitable place for building industries, Mr. Speaker. If we want to import or to export, we have to use Mombasa Harbour. Therefore, it is cheaper, Mr. Speaker, and more economical to build more industries in Mombasa. If you want to export, then you do not have to transport goods from Kisumu or Kakamega. Some Members have said industries should be built in Kakamega or Kisumu and so on, but I do not think that would be economically sound. It would be more economical to have industries in the Mombasa District because they would then be near the Port. It is more economical to ship. If an industry is in Kisumu, Mr. Speaker, it is not economical in that it has to be transported by road or by rail and, therefore, the price of the goods goes up and you find it is not economical.

I would urge the Government to do something on this suggestion because Mombasa has all the facilities for more industries to be built because of its geographical position.

Another point, Mr. Speaker, is about the African traders in the Mombasa District. I asked a question here earlier this year as to how much money had been loaned to African traders in Mombasa, and to my surprise I was given a very unsatisfactory answer, that only one trader had

been given a loan in the year 1968. I feel more money should be available to African traders in Mombasa so that they can expand their businesses.

Because my time has run out, Mr. Speaker, with these few words I support.

The Speaker (Mr. Slade): Mr. Lawi, you have about six or seven minutes now, and then you can continue tomorrow.

Mr. Lawi: Thank you, Mr. Speaker.

I also like to stand to congratulate the Minister for Finance for the Financial Statement.

Mr. Speaker, today we have noticed the Opposition has come forward to say nothing. We know this is usual. Whenever the Government shows it has done good in the nation, the Opposition always has something to say; they have to do this because they are on the Opposition side.

Mr. Speaker, earlier you ruled that when we talk on the Financial Statement we have to talk about the economy of this country. Mr. Speaker, our people have been told to go back to the land. Today, the price of maize I think is Sh. 20, and there is the payment of labour, buying of fertilizer, and these have all gone up. A *panga* now is Sh. 5, and it used to be Sh. 3. Mr. Speaker, the other day there was a Motion here where the Assistant Minister for Agriculture agreed and said there is a committee looking into prices. If the prices of the produce grown by farmers in this country are not attractive, what are the people going back to the land to do? Will they really be able to have something?

The price of rice is reasonable. The price of other commodities is reasonable, but the prices of what is produced by our people who have gone back to the land in the reserves are not quite good. It is up to the Minister concerned, and the whole Government, to think over this issue. It is no use our keeping quiet here when things are not moving well.

Another point which I would like to make, Mr. Speaker, is about the local authorities. In this country many local authorities are run by commissions. I do not know why they have to go to the extent of being run by commissions, but there must be something wrong with the local authorities. The employees of the local authorities feel insecure, and probably that is why they do not look after the council affairs effectively. You find a clerk employed by a certain county council being unreasonably dismissed when a few councillors gang up against him—you hear of a person who is well qualified and trained, and then the next day you are told he has been dismissed

[Mr. Lawi]

from the service. This has happened. I think the keeping of staff on the councils where they feel insecure is wrong. The machinery to appoint them must be through a commission, and not through councillors. If it is in the hands of councillors, there are people undermining a qualified man and because of a simple disagreement we hear he has been dismissed.

I know of a person who, on being dismissed, sued the council and was given a lot of money. This was because these councillors acted unwisely, and it is up to the Minister for Local Government to scrutinize the running of the local authorities. There is something wrong somewhere, and it is everywhere.

Another point I would like to comment on, Mr. Speaker, is about the Central Government and the local authorities. The local authorities have to pay the teachers, and they also have to provide free medical treatment. Now since graduated personal tax of Sh. 24 has been abolished, and this was a source from which money was going into the hands of the local authorities, what the Government should do is to see the local authorities are given sufficient grants to enable them to provide services for the people. I know when a local authority has run short of money, the first class of people to be hit are the teachers. We hear the teachers have been laid off. We hear people are not receiving medicine. This is something the Government must look into, since they

have taken away the revenue which was coming in, and they must have a plan to give the local authorities aid to keep them moving. It is no use blaming a county council saying that it is not getting the money when the sources of the money are not available. I know the Central Government has many sources from which they can obtain money. The reason why certain county councils cannot function well is because the sources of their revenue are very few and this is the point which the Central Government has to look into, and they have to know which are the poorer county councils. This question of financial assistance must be looked into because already there are some county councils which are experiencing a serious financial difficulty. The Central Government being on top must be able to really come out and help when help is required.

Is my time over, Mr. Speaker?

ADJOURNMENT

The Speaker (Mr. Slade): Yes if that is a good point for you to break off. You will be able to continue when the debate resumes.

We have had our three hours on this debate and it is now time for interruption of business, so the House is now adjourned until tomorrow, Wednesday, the 25th June, at 2.30 p.m.

The House rose at fifty-seven minutes past Six o'clock.

Wednesday, 25th June 1969

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

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

PRAYERS**PAPERS LAID**

The following Paper was laid on the Table:—

Proposed Amendment to the Articles of Agreement of the International Monetary Fund.

(*By the Minister for Finance (Mr. Gichuru)*)

ORAL ANSWERS TO QUESTIONS*Question No. 293***RECOVERY OF POLICE INSPECTOR'S BODY FROM IVOVWE RIVER**

Mr. Munyasia asked the Vice-President and Minister for Home Affairs to state—

- (a) in view of the fact that Mutua Kawai of Changwithia Location recovered the body of the late Chief Inspector Willy Katiku at IvoVwe River in February 1968, and had been promised by the police authorities at Kitui that he would be paid compensation, what had caused the delay in this payment;
- (b) was the Minister aware that even now the said Mutua was still suffering from injuries he had received that day.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Matano): Mr. Speaker, Sir, I beg to reply. The body of the late Chief Inspector Katiku was not recovered by Mutua Kawai alone. A concerted effort was made by the local people who assisted the police team. Their action was highly appreciated.

No reward was promised to this man, but the police are grateful for his co-operation as a good citizen.

Mr. Munyasia: Mr. Speaker, Sir, arising from that confusing answer by the Assistant Minister, that the person in question was not the only one to find the body of this man, is the Assistant Minister aware that I have documents to prove that this man— He had been in the water for five solid hours, and the deceased in question had a lot of money which was his salary for that particular month, and that is the reason why this man was sent to hospital for treatment. I have the documents here with me. Does the Government not appreciate the work done by that man?

Mr. Matano: Mr. Speaker, I do not deny that this gentleman took a very active part in the whole operation, but to say that he did it alone

is untrue; that is what I am trying to say, he was not alone. There were quite a lot of people around who tried to help in this big operation. We appreciate the help he gave, but to put the whole credit on one person alone would be very unfair to the other people who took part.

Mr. Munyasia: Mr. Speaker, Sir, in view of the fact that the authorities at Kitui Police Station promised this man that after a while he would be paid compensation, why does the Minister evade the question instead of following it up to find out whether he was promised compensation or not?

Mr. Matano: Mr. Speaker, I said earlier that as far as we are aware in the Ministry, no promise was made.

The Speaker (Mr. Slade): Next question.

Mr. Tsalwa: On a point of order, Mr. Speaker, the Questioner has indicated very clearly that he has some documents regarding this man who recovered the body of the policeman. Could he lay such papers on the Table?

The Speaker (Mr. Slade): I was not going to ask the hon. Member to lay the papers on the Table unless the facts covered by them were in dispute, but I understood that they only showed what is admitted by the Ministry, that this gentleman took part in the operation, in which case, they do not really add anything.

*Question No. 280***SOURCE OF FUNDS FOR BUILDING KANU HEADQUARTERS**

Mr. Ondiek-Chillo asked the Minister of State to the President's Office to state where the £2.1 million for building the Kanu office had come from.

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. I am not aware that Kanu has obtained £2.1 million for the building of the Kanu office in Nairobi.

Mr. Ondiek-Chillo: Arising from that answer, where the Minister said he was unaware of the amount involved, and yet the building which is being put up over there is said to be the Kanu Headquarters, could he therefore refute that in the Development Estimates for the year 1969/70, it is stated that a conference hall and offices at City Square would cost £2.1 million, and that is the very building which is called the Kanu office?

Mr. M. Koinange: Mr. Speaker, Sir, the price of the building is one thing, but the question of having obtained £2.1 million is a different thing.

[The Minister of State, President's Office]

May I add this, Mr. Speaker, that Kanu, as a corporate body, has the power to borrow money from any financial institution provided that it fulfils the requirements for loans from any of those financial institutions.

Mr. Odinga: Mr. Speaker, Sir, may we get it very clearly from the Minister, whether Kanu has raised some funds in the form of a loan, to put up a building which is now being erected behind the Treasury Building? Is that really a Kanu building which is being built on their own, having raised a loan?

Mr. M. Koinange: Mr. Speaker, Sir, the affairs of Kanu in regard to their building as a corporate body are private, and the hon. Members may also put up their buildings, not only that one of Kanu in Nairobi but in all the branches where Kanu or other organizations are capable as individual groups in those areas.

Mr. Odinga: Mr. Speaker, I do not want the Minister to play with the House. We must be very serious. We want to know. On this particular building, it says Conference Hall, and so on, and then there are Kanu signs also placed there, and it is said that it is Kanu headquarters. I want him, in no uncertain terms, to declare to the House that that is a Kanu building which is being put up by Kanu funds. We want to know this.

Mr. M. Koinange: Mr. Speaker, Sir, the question raised this question: where did the £2.1 million for the Kanu building come from. That was the question, and I said I was not aware that Kanu have obtained such funds. The Member assumed that Kanu has obtained £2.1 million, and I added, Mr. Speaker, that Kanu as a corporate body has the right to borrow money, and that is their own affair.

Mr. Ondiek-Chillo: Arising from the Minister's answer, could the Minister tell the House whether the amount which is stated in this Development Estimate of £2,190,000, which the House will be asked to approve to build is going to be used—

Mr. Lubembe: Ask the Minister for Finance.


Mr. Ondiek-Chillo: I am still asking, Mr. Speaker, I have not actually finished.

The Speaker (Mr. Slade): Order!

Mr. Ondiek-Chillo: Is this a different building of the Government or is it the same Kanu office building which is being mentioned? Could he actually tell the House which is which?

Mr. M. Koinange: Mr. Speaker, Sir, the hon. Member should have brought that question in the debate of the Estimates.

The Speaker (Mr. Slade): If, in fact, this money is in the Development Estimates and that item does refer to this particular building, then it is obvious that it is coming from Public Funds and can be debated in the Development Estimates.

Next question. Mr. Kibuga? 

Question No. 297

LIQUOR CONSUMPTION AT OFF-LICENCE SHOPS

Mr. Kibuga: Mr. Speaker, Sir, before I ask the question, in the third line, the last word but two, "licences", should read, "licenceses".

Mr. Kibuga asked the Minister of State, President's Office if he would tell the House whether, since in most places an off-licence for liquor was not useful because the habit of people to consume liquor on the spot rather than carry it home and because the licencees were, in many cases, inconvenienced by purchasers contravening the law, the Government was prepared to allow holders of off-licences to change to on-licences after being given time to make the necessary alterations to the premises.

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

There is no objection to any businessman changing over his business if he complies with the existing regulations.

Mr. Kibuga: Arising from that rather encouraging reply, Mr. Speaker, could the Minister tell us whether he is aware that it is possible for a holder of an off-licence to apply for an on-licence and be refused, while he is supposed to keep his old licence?

Mr. M. Koinange: Mr. Speaker, Sir, I am not aware of that.

Mr. Mate: Mr. Speaker, Sir, since it so happens that in any liquor shop, whether off, on or general, the people can buy drinks and drink them on the spot or not on the spot, would the Government consider regulating the laws to allow the people to drink in the shops, as is the habit? If an off-licence owner sold drinks to the drinkers, the police are going to molest the drinkers on the spot, on an excuse, in order to get another extra beer from the owner of the premises.

Mr. M. Koinange: Mr. Speaker, Sir, the licences are issued: (a) for the places of drinking like a pub, and time is controlled; and (b) some licences are issued for actual shops, in which those people who actually sell liquor, as such, could not afford to entertain people to get really drunk on the premises. They can get their own drinks and

[The Minister of State, President's Office]

unless they get a special licence, they cannot have the two; they sell, and the person goes to consume the liquor at his house or elsewhere, but not on the premises.

The Assistant Minister, Vice-President's Office and Ministry of Home Affairs (Mr. Matano): Mr. Speaker, Sir, I am seeking your guidance. What happens when a Member asks a question which involves a lot of very serious allegations? In this particular instance, the hon. Member implied that some policemen molest customers in order that they may have an extra bottle from the owner. Now, to me, Mr. Speaker, this is a very serious allegation. What do we do when a question is put in such a way as to involve some serious allegations of such a nature?

The Speaker (Mr. Slade): You can ask for substantiation.

Mr. Matano: On a point of order, if that is the case, Sir, may I ask the hon. Member to substantiate the allegation?

The Speaker (Mr. Slade): Mr. Mate, substantiate what you alleged.

Mr. Mate: Mr. Speaker, Sir, in honour of the hon. Assistant Minister for Home Affairs, that he asks for substantiation, I am a Member of Meru Central; Upper Keria, Keria, "K, E, R, I, A" is my constituency. I have four owners of these licences and, during the last recess, I witnessed this kind of thing and if you have any transport, may we go to Keria, with the Assistant Minister, in order to prove this?

The Speaker (Mr. Slade): It appears, Mr. Mate, that you have personally witnessed what you call molestation by the police, but have you witnessed their taking a bottle for themselves, as a result of molestation?

Mr. Mate: Mr. Speaker, Sir, I have witnessed this and if the Assistant Minister for Home Affairs so wishes, we are going to prove the case.

The Speaker (Mr. Slade): I did not hear that.

Mr. Mate: Mr. Speaker, I am the personal witness.

The Speaker (Mr. Slade): What I am not clear, Mr. Mate, is: have you seen policemen demanding a bottle of beer in order to leave people alone, because that is what you implied, I understand.

Mr. Mate: Mr. Speaker, Sir, I have witnessed cases but I prefer to withdraw my allegation, if I am wrong. I beg to withdraw.

The Speaker (Mr. Slade): We had better go on, Mr. Cheboiwo?

Question No. 303**MANAGEMENT OF KENYA NATIONAL BANK**

Mr. Cheboiwo: Mr. Speaker, before I ask the question, the name is not Kenya National Commercial Bank but it is National Bank of Kenya.

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

- (a) what were the names of the members of Board of Directors of National Bank of Kenya;
- (b) who was the General Manager of this bank; and
- (c) whether the General Manager was a citizen of Kenya.

The Speaker (Mr. Slade): Mr. Gichuru, I hope you received the question in the form which the hon. Member intended?

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to reply, (a) Sir, there is no bank in Kenya, I was going to say, with the name Kenya National Commercial Bank.

However, I presume and I am glad that the hon. Member has now learnt or has done a bit of his homework. I presume the hon. Member is referring to the National Bank of Kenya Limited.

The names of the directors are:—

Mr. J. N. Michuki—Permanent Secretary to the Treasury.

Mr. J. Maina Wanjigi—Executive Director, Industrial and Commercial Development Corporation.

Mr. K. A. Cherono—Clerk, Sirikwa County Council, Eldoret.

Mr. P. J. Mwangola—Regional Manager (Kenya), East African Railways.

(b) The General Manager of the bank is Mr. A. H. Phimister.

(c) No, Sir. However, we are training suitable candidates locally and overseas and I hope we shall be able to Africanize, not only all the supervisors, but also the management posts as soon as is reasonably possible.

Mr. Cheboiwo: Mr. Speaker, arising from that answer from the Minister saying that he is not intending to Africanize all the supervisors, why is this?

Hon. Members: No, no.

Mr. Gichuru: Mr. Speaker, I said exactly the opposite.

The Speaker (Mr. Slade): We will go on I think.

Question No. 232

PROPOSED KAKAMEGA TEA FACTORY

Mr. Godia asked the Minister for Agriculture if the Minister would send a team of surveyors to Kakamega District immediately in order to survey the site of the proposed tea factory in Kakamega District.

The Assistant Minister for Agriculture (Mr. Murgor): Mr. Speaker, Sir, I beg to reply. There is no point in sending a team of surveyors to Kakamega District for the purposes of selecting a site for the Kakamega factory. Much of the tea in the district is still immature and there is nothing like enough leaf being produced to enable a factory to operate on an economic basis in the area. During the current year, Kakamega is expected to produce about 1.3 million pounds of green leaf and it is completely uneconomic to open a new factory on less than 4 million pounds of green leaf per annum. It would be a disaster to open a factory in Kakamega at present. However, a factory will be built as soon as there is sufficient green leaf there so as to enable the factory to make a profit for the growers.

Mr. Godia: Mr. Speaker, Sir, is the Assistant Minister not aware that such an answer is a great discouragement to the farmers in Kakamega District who have, from time to time, been assured by the Ministry of Agriculture that as soon as they are able to plant more than 1,200 acres of tea they will be able to get their factory established in that district?

Mr. Murgor: Mr. Speaker, Sir, I do not deny that there are 2,000 acres of tea, but I say that the tea is still immature and we cannot do this yet because it is not economic to process so little leaf.

Mr. Nyaberi: Mr. Speaker, arising from that answer, will the Assistant Minister tell the House how many pounds he requires before a factory can be established; in terms of pounds of tea leaves?

Hon. Members: Kilos!

Mr. Murogor: I said 4 million pounds.

The Speaker (Mr. Slade): We will go on.

Question No. 295

CAUSE OF DEATH OF NAIROBI LAWYER

Mr. ole Lemein asked the Minister for Health if he would tell the House what the cause was of the sudden death of the Nairobi lawyer, Mr. Costodio Salvador Moraes, who died in his office on 26th May, 1969.

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

The cause of the sudden death of Mr. Costodio Salvador Moraes, the Nairobi lawyer who died in his office on 26th May, 1969, was cardiomyopathy which was also due to chronic alcoholism.

The Speaker (Mr. Slade): I think we had better go back to Mr. Wakole's Question.

Question No. 298

COLLECTION OF GRAZING FEES, TANA RIVER DISTRICT

Mr. Komora, on behalf of Mr. Wakole, asked the Minister for Agriculture if he would tell the House how much money was payable to the Tana River County Council in respect of grazing fees in the year 1967 or 1968 and when would this money be paid.

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

As far as the Ministry of Agriculture is concerned, the sum of Sh. 37,753/80 is due to the County Council of Tana River in respect of grazing fees due in 1967/68. We are prepared to pay this amount of money before the end of June this year, pending the agreement of the county council as to the particulars of the claim.

Mr. Komora: Mr. Speaker, Sir, arising from that reply that the Assistant Minister has agreed that this money has taken too long before it was made available to the county council; at the time this money is paid to the county council, will he assure this House that the county council gets interest as a result of the delay?

Mr. Murgor: No, Sir.

QUESTION BY PRIVATE NOTICE

REPORTED MISUSE OF EMBU COUNTY COUNCIL FUNDS

Mr. Mbogoh: Mr. Speaker, Sir, I wish to ask the following Question by Private Notice of the Minister for Local Government.

In view of disclosures by the Ministry's inspector of accounts of misuse of the Embu County Council funds, and his report that the council is at present without any liquid assets:—

(a) What immediate action is the Minister taking to aid the county council before all the services to the people are stopped?

(b) To recover the amounts owed to the council by the chairman and the officers?

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

(a) Action has already been taken by the Ministry of Local Government which has applied to the Government for additional funds to keep the county council operational. This matter is under urgent consideration at present.

(b) The Minister is considering the necessity of issuing a directive to the council, under Regulation 248 of the Local Government Regulations, as a result of the special inquiry under Regulation 245 of the above Regulations into the Tenant Purchase Scheme, No. 2, of the said council. Under this scheme, the chairman and the officers of the council owe considerable sums of money. The directive will require the council to make proper arrangements to recover all the arrears or immediately to take all the necessary steps to recover possession of the property.

Mr. Mbogoh: Arising from that reply, Mr. Speaker, and according to the auditors' report, it is reported that the county council's books are written in pencil; would the Assistant Minister tell the House whether he has found out the truth that these accounts were totalled in pencil, because they wanted to give these accountants the wrong figures to mislead the Ministry so that they did not find them out and get the proper figures owed to the county council?

Mr. Munoko: Mr. Speaker, I cannot say whether they are written in pencil, but I could find that out. What I know is that the council is having a special meeting tomorrow to discuss the question of the Treasurer who has not been able to keep the books properly.

Mr. Munyi: Mr. Speaker, Sir, arising from one of the answers, and arising from the fact that it might be even tomorrow when the county council meets that both the chairman and the county council officials will refuse deliberately to repay the money which they are supposed to pay back to the County Council of Embu, what action will the Ministry take because this is very serious; they are owing a lot of money and this is causing the County Council of Embu to become bankrupt, and this is not the directive of the local governments?

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

Mr. Munoko: Mr. Speaker, Sir, the Minister is empowered to give a directive to the council to recover any moneys which are outstanding and, once that directive has been made, anybody who refuses can be taken to court.

Mr. Mbogoh: Will the Assistant Minister assure this House that the Ministry will take action—even if it is legal action—to recover this money because it belongs to the tax-payers of Embu,

although it has only been used by a few people, to make sure that the deficit of this county council does not show as large sums as it shows at present? Arrest them and put them in jail if that is important.

Mr. Munoko: Mr. Speaker, Sir, every possible measure will be taken to recover the money.

Mr. Kago: Mr. Speaker, Sir, arising from one of the answers which shows that the Chairman of this county council, being a councillor, owes money to the council, and remembering that in one of the regulations, it says that no person should qualify to be a councillor if he is in debt to the council, why has the Government allowed this to happen in that this man is still a councillor while he owes money to that council? Why not use that regulation?

Mr. Munoko: Mr. Speaker, this matter has just come to light following an inquiry by an officer of the Ministry, and the whole matter is being looked into.

Mr. Lorimo: Mr. Speaker, Sir, in view of the fact that too many delegated powers have been given to the local authority which went unchecked, will the Minister consider now reducing or limiting these powers, so that a local authority can always be challenged very easily; otherwise they will bring the same sort of thing to each and every local authority in Kenya?

Mr. Munoko: Mr. Speaker, any power that any local authority has, has been given by this House and if this House wishes to reduce some of the powers, they are at liberty to do so.

Mr. Mbogoh: Arising from some of the replies given to the House by the Assistant Minister, will the Assistant Minister then consider the question of calling a commission of inquiry to go into these debts and find a solution which could lead the county council to recover all the lost property and put it on its proper footing again? A proper commission of inquiry and not a Ministerial inquiry.

Mr. Munoko: Mr. Speaker, I do not know whether a commission of inquiry will bring out any more facts than what an officer of the Government has already done. If there are any matters which have been overlooked by the officer and which the Member is aware of, he should bring them forward.

BUSINESS

ORDER OF AND POSTPONEMENT OF MOTION FOR THE ADJOURNMENT

The Speaker (Mr. Slade): We should go on now, hon. Members. I would like hon. Members to note that on the adjournment today Mr. Cheboiwo will raise the matter noted on the Order

[The Speaker]

Paper, unless we have to postpone it in order to achieve a full three hours of debate on the Financial Statement. It is possible that, starting at 4 p.m., we have to run to 7 p.m. on the Financial Statement, in which case, we should have to put Mr. Cheboiwo's matter off to another day. I would ask hon. Members also to note the Supplementary Order Paper which shows that after dealing with the Vote on Account, in Order No. 5, we shall resume the debate on the Financial Statement. That should, of course, have appeared on the original Order Paper.

POINTS OF ORDER**RAISING MATTER UNDER S.O. 20: NOT ALLOWED,
NO URGENCY AS MATTER (OF STRIKE) NOW
SETTLED**

Mr. Godia: Mr. Speaker, Sir, may I, under Standing Order No. 20, move the adjournment of the House in order to consider a definite matter of national importance regarding the strike staged by 10,000 East African Community employees with effect from midnight of 24th June 1969, who have decided to disrespect the recommendation from their Trade Union leader Mr. J. N. Chege, Central Organization of Trade Unions Acting General Secretary, and Mr. S. M. Seif the General Secretary of the Customs Union on resuming duty immediately with effect from yesterday afternoon.

The Speaker (Mr. Slade): Order! I am not quite clear now what it is Mr. Godia you want to raise. Is it the general question of the strike or some particular aspect of it. Would you explain it a bit further?

Mr. Godia: I would like to raise the question of the strike.

The Speaker (Mr. Slade): For reasons I gave yesterday, I was quite prepared to allow Mr. Godia to move the adjournment of the House to raise that matter until I was informed by Mr. Mboya that the strike was being called off. Apparently, Mr. Mboya himself was misinformed and I hope that in future Ministers will be more careful about being correctly informed in such matters. I am informed today, by Mr. Odero-Jowi this time, that the strike is ended. If he would kindly confirm to the House that it is so, the urgency again disappears.

Mr. Odero-Jowi: Mr. Speaker, Sir, I am happy to confirm that the strike of the Community employees in Kenya and Uganda has ended and by two o'clock this afternoon, most of the officers of the Community originally affected by the strike are now beginning to function normally.

The Speaker (Mr. Slade): Can we be really sure of the information this time?

Mr. Odero-Jowi: Mr. Speaker, I have been dealing with this strike all along and I am confirming that I am sure that the strike is ended.

Mr. Godia: Mr. Speaker, Sir, following the reply from the Minister that the strike is ended, would it be in order for me to consider to discuss the matter regarding the effect of the strike.

The Speaker (Mr. Slade): I do not think we would regard that as sufficiently urgent as to justify procedure under Standing Order 20.

Mr. Munyi: Mr. Speaker, Sir, I am seeking your guidance arising from the statement which has been given by the Minister who is in charge of the East African Community. Mr. Speaker, Sir, my seeking your guidance is this, what will happen, if tomorrow, we hear that at least more than 50 per cent of the people went on strike and also arising from the fact that the Minister has given an assurance and he does not know what is the effect of that assurance which was given by the radio because there are people who are in the countryside Mr. Speaker or who have houses outside Nairobi and they do not know that the strike has been called off? What action shall we take Mr. Speaker? I was seeking your guidance as to what will happen to us because I know that it is a failure.

The Speaker (Mr. Slade): Order! I do not quite follow what Mr. Munyi is worrying about, but it does not seem to me to be something I can answer as a point of order anyhow.

MISREPORTING ON THE RADIO BY V.O.K.

Mr. Lubembe: On a point of order, Mr. Speaker, yesterday when I was speaking on the Estimates, I said something regarding immigration officers. I in fact, said that one hon. Member had attacked immigration officers and that he was wrong because they were doing a good job and they should be protected because most of the difficulties comes from the top.

After listening to "Today in Parliament" last night, the opposite was reported. The Voice of Kenya said that Mr. Lubembe attacked the immigration officers when, in fact, I defended the immigration officers. What can be done now to correct such a malicious broadcast?

The Speaker (Mr. Slade): Order! I do remember that Mr. Lubembe said what he says now. He was saying that the immigration officers were doing a perfectly good job but that other people were interfering with them. If he was reported to the contrary in the Voice of Kenya, I must

[The Speaker]

ask the Voice of Kenya to put it right. I hope that the Kenya News Agency will take note and perhaps the Minister can make sure.

SUBSTANTIATION AND DECLARING AN INTEREST

Mr. Karungaru: Mr. Speaker, this morning I noticed that during the time I was speaking on the Motion before the House, an Assistant Minister for Finance alleged that I had already received loans from the Government. I wonder whether this is true and if it is true that I have received a loan from the Government and I would challenge him now to substantiate what kind of loan that I have received from the Government concerning buying anything or on a commercial basis or so forth. I would challenge him now to substantiate that.

The Speaker (Mr. Slade): Could you tell me if you were there when this was said.

Mr. Karungaru: Yesterday when I was speaking, I said that the Government had not yet provided loans for people who do not have surety and security, and as result of that, the Assistant Minister alleged that I have already received loans from the Government. He also said that I received this loan in the form of a commercial loan or so forth. I would challenge him now to say what kind of loan I have received.

The Speaker (Mr. Slade): Order! it is too late now, you should have asked him to substantiate then.

Mr. Lubembe: What happens when a Member speaks or challenges another Member on a matter on which he has influenced him? Is he not allowed another Standing Order, I think 62 or 67—I am not sure—to declare his interest?

The Speaker (Mr. Slade): I do not understand what you are referring to, but that is a fact.

Mr. Lubembe: I am referring to yesterday when the hon. Mr. Muliro was speaking, the hon. Mr. arap Bii challenged him and said he had not declared his interest of being a member of Industrial and Commercial Development Corporation, director rather.

The Speaker (Mr. Slade): You are saying that Mr. arap Bii challenged him, what do you mean?

Mr. Lubembe: He challenged hon. Mr. Muliro to substantiate whether the Industrial and Commercial Development Corporation was giving one tribe loans.

The Speaker (Mr. Slade): It is really a question of substantiation. An hon. Member, who on a

point of order, requires substantiation does not have to declare any interest. The whole House is interested in substantiation.

Mr. Nyamweya, I think you have belated papers to lay on the Table.

MINISTERIAL STATEMENT**PAPERS LAID IN SUBSTANTIATION OF PREVIOUS REMARKS**

The Minister for Power and Communications (Mr. Nyamweya): Mr. Speaker, during the adjournment debate raised by the hon. Khaoya, I undertook to lay on the table, a number of letters, six of them written by East African Railways and Harbours to the Clerk of Bungoma County Council and the said letters and are now here laid on the Table along with the agreements relating to the matters which were under discussion on that day.

(The Minister, Mr. Nyamweya, laid the letters on the Table)

COMMITTEE OF SUPPLY

(Order for Committee read)

MOTION**VOTE ON ACCOUNT****The Assistant Minister for Finance (Mr. Balala):**

THAT, in accordance with section 101 of the Constitution of Kenya, the withdrawal from the Consolidated Fund of the sum of K£41,185,312 made up in the manner set out in the Vote of Account laid before the House, be authorized for the purpose of meeting expenditure necessary to carry on the services of Government of Kenya during the year ending on the 30th June 1970, until such time as the Appropriation Act for that year comes into operation.

VOTE ON ACCOUNT**FINANCIAL YEAR 1969/70**

Estimate showing the several services for which a Vote on Account is required for the year ending 30th June 1970:—

| <i>Vote No.</i> | <i>Total Net Estimate K£</i> | <i>Vote on Account K£</i> |
|---|------------------------------|---------------------------|
| 1. Office of the President | 4,936,900 | 2,468,450 |
| 2. The State House .. | 58,300 | 29,150 |
| 3. Foreign Affairs .. | 867,900 | 433,950 |
| 4. Office of the Vice-President and Ministry of Home Affairs .. | 2,266,200 | 1,133,100 |
| 5. Police | 5,283,500 | 2,641,750 |
| 6. Ministry of Finance .. | 914,100 | 457,050 |
| 7. Ministry of Economic Planning and Development | 477,400 | 238,700 |
| 8. Ministry of Defence .. | 30,400 | 15,200 |

[The Assistant Minister for Finance]

| <i>Vote No.</i> | <i>Total Net Estimate K£</i> | <i>Vote on Account K£</i> |
|--|------------------------------|---------------------------|
| 9. Kenya Armed Forces .. | 5,524,600 | 2,762,300 |
| 10. Ministry of Agriculture and Animal Husbandry | 3,822,900 | 1,911,450 |
| 11. Ministry of Health .. | 4,253,100 | 2,126,550 |
| 12. Ministry of Local Government | 5,536,600 | 2,768,300 |
| 13. Ministry of Works .. | 4,391,100 | 2,195,550 |
| 14. Ministry of Power and Communications .. | 551,900 | 275,950 |
| 15. Ministry of Labour .. | 767,700 | 383,850 |
| 16. Ministry of Tourism and Wildlife | 689,700 | 344,850 |
| 17. Ministry of Lands and Settlement | 424,000 | 212,000 |
| 18. Ministry of Housing .. | 66,300 | 33,150 |
| 19. Ministry of Information and Broadcasting .. | 316,000 | 158,000 |
| 20. The Voice of Kenya .. | 269,800 | 134,900 |
| 21. Ministry of Natural Resources | 731,400 | 365,700 |
| 22. Ministry of Co-operatives and Social Services .. | 565,000 | 282,500 |
| 23. Ministry of Commerce and Industry | 265,400 | 132,700 |
| 24. Ministry of Education .. | 8,783,700 | 4,391,850 |
| 25. Office of the Attorney-General | 297,000 | 148,500 |
| 26. Judicial | 412,700 | 206,350 |
| 27. Public Service Commission | 38,000 | 19,000 |
| 28. Exchequer and Audit Department | 113,700 | 56,850 |
| 29. National Assembly .. | 406,000 | 203,000 |
| | <hr/> | <hr/> |
| | K.£53,061,300 | 26,530,650 |
| Development Expenditure | 29,309,324 | 14,654,662 |
| | <hr/> | <hr/> |
| TOTAL .. | K.£82,370,624 | 41,185,312 |

Mr. Speaker, Sir, the hon. Members must have received copies of the Vote on Account which was laid on the Table on 18th 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.

Mr. Speaker, Sir, details of the various Votes are contained in the 1969/70 Estimates which were laid before the House on the 12th of June. The House will, of course, have full opportunity for discussing the Votes when we go into Committee of Supply.

Mr. Speaker, Sir, as the Annual Appropriation Bill will not be passed until after the commencement of the 1969/70 Financial Year, it is necessary, in the interim period, to have authority under the terms of section 10 of the Constitution of Kenya. I repeat that we are doing this in accordance with the Constitution of Kenya for the continuation of the existing Government

services, including the payment of salaries and allowances to hon. Members who expect to be paid for their Sitting and subsistence allowances.

Mr. Speaker, Sir, in accordance with normal procedure—and this is a Procedural Motion—the Vote on Account will not be used to cover expenditure on new services but on existing services being run by the Government.

Mr. Speaker, Sir, I beg to move.

The Minister for Finance (Mr. Gichuru) seconded.

(Question proposed)

Mr. Seroney: Mr. Speaker, Sir, I notice that the Assistant Minister is relying on a particular section of our Constitution. The Government seems to have made it a habit of coming every year—and this is the sixth year—and telling us that unless we give them a Vote on Account the Government will not have any money to spend. My first reaction when I heard of the Motion was to give the Government an emphatic, No.

We passed the Constitution for this country in this House. Now, this Constitution leaves no doubt whatsoever that it is this House that must authorize any taxation or any expenditure of money obtained through that taxation. Now, if the Assistant Minister or other Members are not aware of a particular section, I would say it is found in Chapter 7 of the Constitution beginning from section 99. Now, section 99 of the Constitution, Sir, says this:—

“Subject to subsection (2) of this section, all revenues or other money raised or received for the purposes of the Government of Kenya shall be paid into a Consolidated Fund from which no moneys shall be withdrawn except as may be authorized by this Constitution or by an Act of Parliament including an Appropriation Act or by a Vote on Account passed by the National Assembly under section 101 of this Constitution.”

Now we come to this section which the Assistant Minister is relying on. This section reads as follows:—

“If the Appropriation Act for any financial year has not come into operation or is not likely to come into operation by the beginning of that financial year, the National Assembly may, by a Vote on Account, authorize the withdrawal from the Consolidated Fund of moneys not exceeding in total one-half of the sum included in the Estimates of Expenditure for that year that have been laid before the Assembly.”

Mr. Speaker, when we attained independence in 1963, it so happened that because of the elections it was not possible to bring in a Budget

[Mr. Seroney]

well before the end of the financial year. However, the Government has since made it a habit of waiting until almost the end of June to bring the Budget and then they come and tell us that it is not possible to have the Appropriation Act come into force before the end of the financial year. Surely, Mr. Speaker, the remedy is in their hands.

The Budget should come up at least two or three months before the end of the financial year. There is no reason why the Government should wait until two weeks before the end of the financial year and then say, "Unless you give us a vote on account, there will be no time to pass the Appropriation Act". Mr. Speaker, it seems as if the Government does not really want the Members of this House to exercise their power of scrutinizing very thoroughly all Estimates before approving them. That is why the Government, every year, deliberately waits until almost the end of the year to produce their Estimates, then to produce their Budget, and then fall back on this particular section which was really, Mr. Speaker, intended for unforeseen circumstances. I am sure that this particular section was not meant to be used every time and every year, simply because the Government wants to get Estimates approved in principle, half of them, and then they might adjourn Parliament so that by the time we come back interest will have gone down. Then, in any case, we will already have passed half of the expenditure on account and think that we might as well pass the remaining half.

Mr. Speaker, I now particularly request Government to make sure that we either change the date of the financial year or we must be strict and make sure that the Budget is presented to this House in April, at least two to three months before the end of the financial year. If, for any reason, we cannot have our Budget in the month of April, then let us push forward the financial year. One of the two must change, Mr. Speaker. Either the date for the Budget must be brought forward or the end of the financial year must be pushed on. It is particularly important, because we, in this House, are elected by our people and one of the few powers we really have is that of controlling expenditure and taxation. I am sure hon. Members do not want to abdicate their responsibility by leaving everything to the *serikali*. Sir, the way we can influence the Government effectively is through these Estimates, but if these Estimates are just rushed through in this manner and they are not discussed properly, there is no point in bringing them, there is no point in bringing the Estimates before this House.

There is no point in bringing the Estimates here if the Government assumes automatically that we have no choice but to give approval. Then they tell us that we must give this money because the Government services must go on.

Mr. Speaker, I have seen the Development Estimates and the Recurrent Estimates, and I am entirely unhappy about them. However, I would like to mention one aspect of the Recurrent Estimates which is particularly disturbing. I am referring to that part of the Estimates dealing with gratuities for Ministers and Assistant Ministers. In last year's Estimates, there was no reference to gratuities, and therefore the Government may have found that they had no authority for paying themselves gratuities. That is why recently they have published a Bill which I hope will come into this House very quickly so that hon. Members can let the Government know what they think of that Bill. However, Mr. Speaker, the Government has provided in a very clever manner for a way out, regardless of whether or not we pass that particular Bill. In this year's Estimates, they have specifically included gratuities for Ministers and Assistant Ministers. I will just quote page 14 of the Estimates of Recurrent Expenditure. This is from the Office of the Vice-President and Minister for Home Affairs. We have Personal Emoluments, which covers "Provision for salaries and allowances and gratuities of the Vice-President and Minister for Home Affairs (K£3,550) . . .", which we know is the salary, ". . . two Assistant Ministers (K£4,520) . . .", which we also know is the salary, but as to how much this amount is, there is no indication. It is lumped together in a sum of K£155,000 which is supposed to include gratuities as well as increases in posts for other staff.

Now, if you look at the Estimates for the previous year—and I will quote from the same Ministry—the previous Estimates makes no mention whatsoever of gratuities. All it says is "Provision for the salaries and allowances of the Vice-President and Minister for Home Affairs (K£3,550), two Assistant Ministers (K£4,520), and 314 staff. Increase of 10 posts as compared to 1967/68." That is all last year's Estimates said.

This year, they have slipped in this question of gratuities before we have decided whether we are going to allow it or not. They have inserted this element of gratuity into each particular Ministry, so that it can be hidden and it does not appear to be a large sum. If you look at every Ministry, there is such provision in every Vote. The gratuities are distributed throughout all the Ministries.

[Mr. Seroney]

Now, Mr. Speaker, I think this is an attempt to obtain money by playing a trick on us and on the public, and I think we should make it quite clear to the Government that they should come out openly and say what it is they actually want instead of slipping things in in the hope that we may not notice.

Mr. Speaker, as a mark of displeasure on the part of the Members over they way the Government has treated them, and they way the Government has handled the question of the Estimates, I beg to move the following amendment to this Motion.

I beg to move—

“THAT the amount of K£41,185,312 appearing in the Motion be reduced by K£1,185,312 to K£40 million, and that after the word ‘operation’, there be added the following words: ‘provided that the authority hereby given shall not imply approval of any items not appearing in last year’s original Estimates, and in particular shall not extend to withdrawals for payments of any gratuities not previously expressly sanctioned by the House.’”

Mr. Speaker, I have anticipated one objection from the Government, that is, that the Government will need some money to spend. After all, by this amendment, they are left with K£40 million, which is enough for them to spend while we discuss these Estimates and go through all these matters. There is still room for argument and for discussion, but I have no wish to bring the Government to a standstill, and therefore this amendment ensures that the work of the Government goes on. However, we shall have an opportunity to scrutinize all these Estimates and to discuss fully the principle of gratuities, and we shall be able to influence the Government, both in the Development and Recurrent Estimates, in good time.

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

The Speaker (Mr. Slade): Who seconds this amendment? Mr. Khaoya.

Mr. Khaoya: Mr. Speaker, Sir, I have the honour to second this very honourable amendment which has been put forward by our own learned. I should like to call him our Back-benchers’ Attorney, because I think that all we are doing is not to bar our Government from running the functions of the Government, no. All we are doing is to safeguard and make sure that at every stage, that element of gratuity which we all oppose shall not pass by hook or by crook in this House. As the hon. and learned gentleman

there has ably stated, we normally have, say, seven days to debate the Financial Statement, and thereafter we have a few more days in which to deal with each Ministry. I hope, therefore, that by the end of July, we shall have done as much as possible to pass all the money which the Government wants, so that there are no difficulties, even if we pass K£20 million or K£35 million. Surely, that would be sufficient to cover the expenditure of the Government, but here, Mr. Speaker, I have seen the Mover of the amendment has very generously put figure at K£40 million, which means we are only subtracting that element of the gratuities from the amount required for the whole year, which in this case is K£41 million, and that is what the Assistant Minister put to the House.

Mr. Speaker, I do not want to labour on this point, because we all know what we want; we all know what the country’s feelings are on the question of the 20 per cent gratuities which I think is illegal money, dirty money. We can only support the hon. gentleman there and, if possible, pass that amendment without any debate at all, giving them their K£40 million, but we withdraw and hold on to the gratuity money until we get the time to debate it here thoroughly.

Mr. Speaker, with those few remarks, I beg to second.

(Question of the first part of amendment that the words to be left out be left out proposed)

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I just want to correct an impression which was given, because it is good that the House should know exactly the procedure with regard to the date which the three of us agree in the three territories for Budget Day. It depends on the arguments, and so on, and the various reasons which each country puts forward, and also it is important that we have the Budget Speech on the same day, because quite a number of items which we wish to change have to be announced on the same day. I did inform you, Mr. Speaker, Sir, that I had difficult in trying to get an earlier date. For this reason, I would like to apologize that the time is short. I agree, it is short.

Mr. Okelo-Odongo: On a point of order, Mr. Speaker, Sir, I believe the Minister is still on his feet, but I am seeking your guidance on this once. According to the amendment, it means that the Estimates included sums which are not derived from past years, in other words, gratuities for the Ministers. I thought we were discussing expenditure for the following year for Government. In the first place, I would like to know whether this was really in order, whether this should not have come as a Supplementary Estimate. Furthermore,

[**Mr. Okelo-Odongo**]

Mr. Speaker, since the Minister is still on his feet, would he clarify this for the House, because this is very important? Rumour has it that some of this money has already been paid and, if it has been paid, how is that we are now going to sanction it to be paid the following year? I think it would help if the Minister could make it clear to the House, because rumour has it that the money actually has been paid to the Ministers—

Mr. Sijeyo: And they have consumed it.

Mr. Okelo-Odongo: —and if that is so what we are approving is the payment for 1969/70.

COMMUNICATION FROM THE CHAIR

MAKING PAYMENTS FROM PUBLIC FUNDS WHICH HAVE NOT BEEN AUTHORIZED IN THE HOUSE

The Speaker (Mr. Slade): Order! I think your point of order is rather confused, Mr. Okelo-Odongo. Perhaps I can clarify one or two things. Mr. Seroney, in moving this amendment, did criticize the Government for being so late in the presentation of the Estimates and the Financial Statement, and this Vote on Account. The position is in that respect as Mr. Gichuru described, and as, in fact, I described to the House yesterday when I explained the same thing, that we do not like being asked to pass the Vote on Account before we have finished the Financial Statement and the Vote in the Committee of Ways and Means, but in spite of having done your best for us in this matter, you were to some extent in the hands of your fellow Ministers in the other two territories, and you had to concede this late date for the presentation of the Financial Statement. Perhaps, while still on that point, I might reassure hon. Members who think that a Vote on Account is a sinister thing as a regular annual event. There are many good reasons, really, for having the Vote on Account just at the start of a financial year, leaving plenty of time to discuss the Estimates before you vote the remainder of the money required. Perhaps I might quote a few words from Erskine May on this subject, where he explains this regular annual procedure in the House of Commons. He says "Various considerations, such as the undesirability of framing Estimates too long in advance of the years to which they relate, and the fact that the House of Commons has come to use the discussion of Estimates primarily as an opportunity for the criticism of administration, and wishes therefore to keep them open till near the end of the session, combine to make it impossible to dispose of the Estimates before the beginning of the financial year." I think that really holds good for us, too, and we have taken that view in past years.

As regards the other question that Mr. Okelo-Odongo is dealing with, and the Mover of this amendment has dealt with, too, as to the payment of gratuities, I had intended at the close of this financial year to make a Communication from the Chair on this subject, but it so so material, I think, to this debate, that I had better say now what I was going to say. It was not very much. It is a fact, that a large sum of money has been paid, spent out of public funds, during what is still the current financial year, for gratuities for Ministers and Assistant Ministers, and that payment has never been authorized by this House—

Hon. Members: Shame, shame, shame.

The Speaker (Mr. Slade): Order! Order! Please. — except, I believe, in one or two cases, where Supplementary Estimates just recently passed have covered such gratuities without anybody being quite aware that they had. However it may be, this particular form of payment is covered by an Act of Parliament, and so it does also require amendment to that Act of Parliament, that is, the National Assembly Remuneration Act.

It is always a very serious matter when payments are made without the authority of Parliament, though it is not uncommon for over-expenditure on approved items to be incurred, and cured by Supplementary Estimates later in the same financial year. It is much more irregular to incur expenditure without authority on a completely new service or purpose, though even then the damage can be largely repaired if the authority of the House is sought within the same financial year.

Now, being well aware of this unauthorized expenditure, I was still hoping that it might be cured, or largely cured, or at any rate discussion of it might be postponed, until Government moved to obtain the authority of the House within the same financial year, and I was led to hope that that was the intention when I saw a Bill published to amend the National Assembly Remuneration Act. However, now that there does not seem to be any attempt to cure the matter within the current financial year which expires at the end of this week, the matter is much more serious.

Hon. Members: Shame, shame.

The Speaker (Mr. Slade): Order! Order! Order! We are now facing a case of what appears to be, I am afraid, deliberate excess, and, I am afraid, contempt of the Constitutional authority of this House.

Hon. Members: Shame, shame.

The Speaker (Mr. Slade): I should add—I forgot to say—that I intend to ask the Controller and Auditor-General for a full report on the situation at his earliest convenience, and I think that on this particular question, we should defer all further comment on any excess payment which has been incurred in this financial year. We must await that report, unless the Minister wishes to say anything meanwhile.

As regards the Vote on Account, what the Mover of the amendment has said is still relevant, of course, as to whether you want to authorize anything that could involve payment of gratuities by this Vote on Account. It would, I think, be a wrong way of doing it, pending amendment of the Act in question.

(Resumption of debate on first part of the amendment)

I do not know whether you have finished speaking, Mr. Gichuru?

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

Mr. Oduya: Thank you very much, Mr. Speaker, Sir, I join—

Mr. arap Biy: Mr. Speaker, Sir, my point of order might seem a bit peculiar. I am asking the Chair as regards the book referred to when he quoted it in connexion with this Vote of Account. I wonder if it is the new Constitution, or the old one, Sir.

The Speaker (Mr. Slade): This book I referred to, was not our Constitution. It is a book called "Sir Erskine May's Parliamentary Practice", and it is a very ancient, and much honoured commentary on the practice of the House of Commons, which used to guide our practice. It does not now, but the particular argument in this book, for a vote on account, as a regular annual procedure, seems to me very relevant to our situation also.

Mr. Oduya: Mr. Speaker, Sir, I rise to join my two colleagues, the hon. Mr. Seroney, and the hon. Mr. Khaoya, who have ably supported the wishes of this House. That means the wish of the majority of the Members of this House, who are elected by the people to safeguard the financial, and other interests of the Kenya people.

Now, Sir, here is a case, which has been stated fully by my colleague who has moved the amendment, and I on my part, fully support the reduction which he has proposed of £1,185,312 from the Vote on Account. In other words, the Government will be left £40 millions—

The Speaker (Mr. Slade): There is a point of order, Mr. Oduya

POINTS OF ORDER

IMPLICATION OF GOVERNMENT BEING DEFEATED ON A MONEY QUESTION

The Assistant Minister for Lands and Settlement (Mr. Malinda): Mr. Speaker, my point of order is to seek further clarification as to what is going to be the implication resulting from this amendment. If, as it would appear, that the majority of Members are in favour of this amendment, and when this question is put to the vote, the Ayes for the amendment have it, does that, in fact, amount to Government being defeated on a money question, which eventually is tantamount to the Government being obliged to resign?

The Speaker (Mr. Slade): Order! Oh, no certainly not so far as the Constitution is concerned. The only matter on which Government can be compelled to resign under the Constitution, is by an express vote of no confidence. A vote of no confidence in the Government which has to be debated after at least few days' notice and which is only carried, if it is carried by a majority of all Members of the House. If Government is defeated on some other matter, monetary or otherwise, it is entirely for the Government to decide whether the defeat is so serious to indicate that it can govern no more, but in this case, certainly a reduction in a Vote on account by £1 million, and a proviso that it shall not apply to what indeed the Assistant Minister himself has said it is not intended to apply to which is new services. I would not myself regard that as a terrible lack of confidence in Government though.

Mr. Omar: Mr. Speaker, Sir, I am seeking your guidance on my point of order. You have said, Mr. Speaker, that it is true that some Ministers and Assistant Ministers had been paid gratuities, and would I be in order, Mr. Speaker, therefore, to ask the names of the Ministers and Assistant Ministers, and the amount that they have received?

The Speaker (Mr. Slade): I would ask the hon. Members to respect what I have just said just now. I have asked for a full report from the Controller and Auditor-General, and I hope it will be forthcoming very soon and laid on the Table of the House. Order! Pending the receipt of that report, I do not think we ought to discuss this matter any further, because we have not got the full facts before us.

There may be mitigating of facts of various kinds on these maybe something in the nature of a complete excuse which emerges from that

[The Speaker]

report. So, we must await that report, and I assure you that I shall ask to have it brought very soon.

ADJOURNMENT OF DEBATE REFUSED, REASON FOR

Mr. G. G. Kariuki: Mr. Speaker, Sir, in view of the existing complication arising from what you have just explained, and also that the Government did not want to comment, on what you have just said, would I be in order if I ask for this debate to be adjourned?

The Speaker (Mr. Slade): Order! No, I do not think I would allow the House to entertain a Motion for the adjournment of the debate on that ground, for I do not think it is really relevant. You see, the House is aware that there have been unauthorized payments in respect of gratuities. The amendment now proposed is that the Vote on Account shall not cover such gratuities. So, if you want to exclude gratuities, you can deal with it on the amendment. I cannot see any reason for deferring the debate. You either accept this amendment which excludes gratuities from the Vote on Account, or you say there is no need to exclude the gratuities, and we will deal with it today.

(Resumption of debate on first part of the amendment)

Mr. Oduya: Mr. Speaker, Sir, the Members of this House must realize their responsibility, because I think that we are elected by the people of this country, Sir, not to serve our own interest, but to serve the interest of the nation. The reason why I am saying so, Sir, is that I, Oduya, will insist on saying this today; and tomorrow I may not be there, but this country and the people who elected me will be there, and another man will be in my place. That is why, Sir, I say that we representatives of the people must take matters of this nature very seriously, and keep it with seriousness, Sir.

Therefore, I should think that the Government should be very grateful indeed to hon. Seroney, who has actually not intended to embarrass the Government, but he has in fact, been very generous in only deciding to reduce a small percentage, and he has left all the money that the Kenya Government wants. We, as the Government party, and Government Members, would not like to see the services at a standstill, and we would like to see the Government functioning normally, and that is why we are in full agreement with granting £40 million to enable the Government to function between now the 1st of July, and when all the debates on the entire

financial statement is on which I think is before June next year when this House will have approved the whole thing and the Government will have all the money which is on the financial statement to spend and therefore, there should be no panic at all.

I would also like to say to the Government, here that, normally, when the Members speak in this House, especially on matters like this, the Government Ministers tend to say that certain Members are opposing the Government. This is opposition to Government. What we are now saying now, Sir, is merely to help the Government. It is not opposition to the Government. If I oppose the hon. Ngala, I am not opposing the Government, because the hon. Ngala is not the owner of this Government and he is not the Government of Kenya at all; he is just one among us appointed by the President to assist in the running of the State at the Cabinet level. The Government is run jointly by us who back this Government and that is why we do not consider this kind of advice as opposition to the Government. This must be made very, very clear, because I know if we leave this out some forces run about to places where Members of this House are not represented to talk of certain things and say so-and-so did this, and they are the people who are spoiling this Government and they will oppose the Government at any time. Therefore, in this case it is true to say we are not opposing the Government, we are merely advising the Government to be aware. When we leave here every Friday, Sir, we go home and get in touch with our constituents and they are our masters because they are the people who elect us, they are our employers, and we come here with their mandate to tell the Government that here we are going very far and so we had better go this way so that step by step we reach our goal.

Therefore, Sir, as the mover of the amendment ably put it, that we should definitely exclude from this Vote of Account £1,185,312. I think any reasonable Member, any reasonable Minister, without any selfishness and without any personal interest, must accept the proposal, and I know we are all going to support it fully without any opposition. That is why I am standing now, on behalf of the Teso people—with the renewal of my contract which is still very, very fresh—to say that I am supporting very, very strongly.

Now, Sir, I know that most of my colleagues are willing, of course, to give their opinion on this, but I would appeal to the Members here that we should not consider personal friendship in this matter. We must not consider the question of saying, "Oh, if we do that we embarrass our

[Mr. Oduya]

Government." This is our Government, but we want our Government to be clean throughout, because when something goes wrong, it is not only this Front Bench which will be answerable for this situation; it is this House which will be called upon to explain why this has happened. That is why we are very careful indeed of our Ministers. There is no angel here; there is nobody who speaks 100 per cent a day and who is 100 per cent correct in things. Therefore, since the responsibility is collective for safeguarding the interests of this country we, as representatives of the people, are charged, through this House, to keep the interests of the nation and safeguard the public funds. That is why we are so much concerned to see that whatever the Ministers are doing, whatever the Government is doing, whatever is happening in the Treasury, must be scrutinized by this House fully and the advice must be given through this House so that the authorities do exactly what this House wants; so that we meet the wishes of the majority of our people. This is very simple and I think the Government has enough lawyers to do this. The Attorney-General knows the consequences of any malpractices, and we also have the former Minister for Foreign Affairs who is now the Minister for Power and Communications, the hon. Nyamweya, who is also a lawyer and I think he is capable of advising our Government and, particularly, the Minister for Finance, if there is no lawyer there, that by rushing and doing a little outside the normal machinery laid down, they are going to implicate both this House and the entire Cabinet will put us in a situation which—

The Speaker (Mr. Slade): Mr. Oduya, I must point out that we are not, at this moment, debating any unauthorized payment of the past year or the Controller and Auditor-General's report thereon; that must be the subject of another debate when we receive the report. All we are debating now is whether you want to cover this House against voting gratuities in the coming year pending further discussion.

Mr. Oduya: Thank you, Sir.

I would like to end my speech by saying that the Government is very lucky, because if it were another Member—say, like myself—who moved this reduction the Government might not have been given more than £20 million. This must be borne in mind, but, because my friend is very generous, I agree with that figure. You can see, Mr. Speaker, that the whole House accepts this amendment and approves.

With these few remarks, Sir, I beg to support fully.

The Speaker (Mr. Slade): Would you like to speak on the amendment, Mr. Balala?

The Assistant Minister for Finance (Mr. Balala): Thank you, Mr. Speaker.

Mr. Speaker, Sir, I stand to say this, that the Government, as it has always done, fully respects and recognizes the wishes and the sentiments of the hon. Members, and it is doing so, bearing in mind that the hon. Members are the spokesmen, or representatives, of the people in our country.

The Government also respects the status and authority of this House, as well as the status of the hon. Members. I can tell the hon. Members that the Government has always been very responsive to the views of the hon. Members and has always accepted concrete proposals offered by the hon. Members. It is with this view that I, as an Assistant Minister of the Government, stand particularly because this amendment concerns the Motion that I moved, to assure the hon. Members that the Government will only—as it has done before—respect the views and the sentiments of the hon. Members. I can assure them that if it is the wishes of the hon. Members that I accept this amendment, I will accept it.

Mr. Shikuku: On a point of order, Mr. Speaker, in view of the fact that the Minister has accepted the amendment, with the nice speech that he has made, is it not time that the Mover be called upon to reply or rather that the question of the amendment be put?

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

(Question of the first part of the amendment that the 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 and that the words to be added be added, proposed put and agreed to)

The Speaker (Mr. Slade): There will have to be another change, because the sum of money has now changed, and so it cannot be quite the same as shown on the Vote on Account which was laid before the House. Therefore, do you mind if I put in, "subject to any necessary adjustment", because £40 million will not fit with the Vote on Account any more?

(Question of the Motion as amended proposed)

Mr. Mbogoh: On a point of order, Mr. Speaker, now that the amendment has been accepted, I am seeking your guidance as to the correctness of the Motion when it says at the bottom "President's consent signified", I challenge the figure

[Mr. Mbogoh]

of £40 million as laid in the House and as the President's consent has been signified how do we go about it?

The Speaker (Mr. Slade): We do not need special consent to an amendment which reduces the figure. If there had been an amendment to increase the figures voted that would have required the President's consent. His consent covers this smaller figure.

Mr. Munyi: On a point of order, Mr. Speaker, arising from what you have said that the amount in question is going to be adjusted, does this mean you have said in the clearest words possible that they are going to repay the money which they have already received or what does it mean, Mr. Speaker?

The Speaker (Mr. Slade): It has nothing to do with that at all. It is simply that the resolution refers to a Vote on Account which has been laid on the Table, and contains detailed figures of the amount which each Ministry is to receive by this Vote on Account, and the total of those figures comes to £41,185,312. Since we have now cut that figure down to £40 million, we will also have to adjust the detailed figures in the Vote on Account.

Mr. Shikuku: Mr. Speaker, I must first of all pay tribute to the hon. attorney-general of the Back-benches for the excellent homework he did and on the manner in which he presented his case to this National Assembly. This makes me think it is time they called him back to the Bar again. I am sure he has put it very well and better than those could who are at the Bar, and I am sure hon. Nyamweya will agree with me on this. Hon. Nyamweya is the only learned friend here now.

Now, Sir, the Vote on Account as it stands here, I have been having a look at it and this is one of my problems which has now been cleared and I am now going to speak on the Estimates themselves.

First of all, Mr. Speaker, we, as custodians of public funds in this country, are responsible, and I am glad there will be a definite debate as to what has happened after the Auditor-General has reported. So long as we still live in this House, so long as some of us are having a head on top of our two shoulders, it will be very, very absurd among us here elected to this National Assembly by those poor people at home to come here and not do our work to scrutinize every single cent which is to be spent, or has been spent, and, above all, to know if it has been spent correctly or not.

It is not the fault of the Minister for Finance that the Financial Statement came rather late. It is because of co-operation between the three countries, so we cannot seriously Mr. Speaker, blame the Minister for Finance in this country for the late coming of this, because it concerns three people. Since the Government of Kenya, and indeed the Governments of Tanzania and Uganda are all concerned, I think they will take this as a very reasonable request that, in future, we should be given the Budget earlier so that it is not rushed through and we have more time to scrutinize every single item which we are going to spend.

Now, Sir, I am drawing your attention to the Votes here. You will find, for example, Sir, that in the Ministry of Economic Planning, the net total there is £477,400, but now we are giving them £238,700. Mr. Speaker, as far as this Ministry of Economic Planning, all we would like to know is what this amount is going to be used for. It is one of the Ministries, Mr. Speaker, before we give them this money, which does in my opinion, and in the opinion of the Butere people—and that is what I honour most—whether the Minister himself or the Government or the Ministers round here like my face or not it is immaterial—

The Speaker (Mr. Slade): Mr. Shikuku: we cannot, on a Vote on Account, discuss the merits of individual Ministries. That is what we do when we come to considering the individual Votes on the Estimates. We can only consider today whether you will accept the principle of giving the Government some money in advance for the purpose of the Estimates which have been laid before the House, while we debate those Estimates in full before giving them the rest. We cannot go into their merits now.

Mr. Shikuku: Thank you, Mr. Speaker. I will have to reserve my attacks until we come to discuss the individual Votes.

The issue here, Mr. Speaker, is to provide for services, and to do that we must have the money, we would not be doing our duty if we refused the Government the money they have asked for. I support that this money should be given and, as the debate is so limited, I do not think I will say any more but only look forward to that report. I would like to issue one warning to the Ministers and Assistant Ministers, that in future there should not be any repetition of any money being spent without it being brought before us as it is now being brought before us without the authority of this House. I am sure they will pay for this mistake very dearly when they will be

[Mr. Shikuku]

facing the masses in nine months' time to explain why they have robbed the public of their money without the consent of this House.

I beg to support.

Mr. G. G. Kariuki: On a point of order, Mr. Speaker, now that hostility is over, I think the Mover should be called upon to reply.

The Speaker (Mr. Slade): Order! Order! Order! This is a point of order. I see the Leader of the Opposition wants to speak, so I think at least I should give him the chance.

Mr. Odinga: Mr. Speaker, Sir, I must, in the first place, thank you very much for the clarification and for clearing the air which you have so kindly done in this House. Rumour had filled the air, that the money which is for the gratuities had been used. This is the rumour which the people everywhere have heard. We have been asked about this, but we were helpless and did not know what to say. I think the country will now be much clearer as it now knows there was something wrong. I am sure that even the Government—if it is the Government of the people—if it makes a mistake—and to make a mistake is human—and if they do so they should always come like gentlemen in front of the people and admit they have made a mistake—

Mr. Shikuku: On a point of order, Mr. Speaker, is the hon. Member not treading on the wrong ground in view of the fact that you ruled that we should not say anything about this issue?

The Speaker (Mr. Slade): I was going to ask Mr. Odinga to leave that subject, because I said there will be a report and no doubt a debate on the report. I think we should say no more now on that particular issue.

Mr. Odinga: Thank you, Mr. Speaker, I was just paying a compliment but did not want to comment on this.

Mr. Speaker, Sir, I would like to thank the Members, particularly the hon. Member who saw fit to bring this amendment to this Motion. Although I am thanking him, I do not know how far this amendment will carry us, because I know the Government has been a little wiser than we. They know that even if we reduce it to £40 million, still the whole Budget will have to be passed in the end, and we will give them all the money which we are reducing today. We will then have done a fruitless job.

If we want to do something, we should have said that this amount should wait for our specific approval later on. This particular amount we have reduced cannot be sanctioned until we approve

it specifically later on. If we are going to include it in the same Budget and pass it, then I am sure the purpose which we wanted to pursue here will be defeated in the end. This is what I wanted to caution the House about.

The other thing, Mr. Speaker, Sir, is that I would also like us to put it to the Minister for Finance—although the Minister for Finance has told us he has to wait for the other territories in order to announce the Budget on the same day—I am sure he must know his time and he must also know the volume of work he has here, and I am sure he should try to prevail on these people to give him enough time in order to introduce the Budget at a reasonable time. This would then give us time to discuss all the Votes. If we had started a little earlier by now so many Heads could have been approved. There should only have been a few Heads, or half of them, waiting to be approved later on. If, at this time, he had only come to ask us to approve half the Estimates for him, and we had already discussed half the Votes, then I do not think the Members would have had any quarrel with that because this has been the normal practice in the past.

Mr. Speaker, Sir, I would also like to say in passing this Vote on Account, I do not want this to pass without making a strong reference to the fact that we do not want Kanu to confuse us by using some of the Government buildings and the Government expenditure as Kanu expenditure. I would like Kanu, if they want to put up their buildings—we do not want to stop them—let them, but they should not begin to paint their names on top of Government buildings and Government expenditure in order to deceive the world, and to deceive our country, that they have buildings which are not theirs. This is something which is not right. It also shows that Kanu is a party of deceptions which should not be the case. Kanu—

Mr. Jahazi: On a point of order, Mr. Speaker, is the Leader of the Opposition in order to be harping on Kanu buildings and so on? Has Kanu anything to do with this Motion?

The Speaker (Mr. Slade): I am afraid I was not listening, but that building has nothing to do with the Vote on Account.

Mr. Odinga: Mr. Speaker, Sir, it is all right because I have made my point which I wanted them to understand, and I would only say—

The Speaker (Mr. Slade): Order! Order! That is a very wrong attitude. I have heard on the part of hon. Members from time to time a false point of order is made all the worse when a Member

[The Speaker]

says he has made his point all the same. Likewise irrelevance. If a Member rejoices in his irrelevance, that is not really respectful to the House.

Mr. Shikuku: On a point of order, Mr. Speaker, what happens in the case of a Member rejoicing over such a thing, is it not normal that he should be asked to repent and apologize that he has rejoiced abnormally?

The Speaker (Mr. Slade): I think we can leave it at that.

Mr. Ondiek-Chillo: On a point of order, Mr. Speaker, since at Question Time I referred to this building, particularly, where public funds have been used, and now the Leader of the Opposition is referring to that particular building where Kanu has used public funds, is he not in order to refer to something which is indicated in the book?

The Speaker (Mr. Slade): No. As I said to Mr. Shikuku, we cannot have a full discussion on the Estimates today. In fact, we cannot have any detailed discussion of the Estimates today. We are discussing the principle of whether you give Government a little money to carry on with all the Estimates laid before the House while we are discussing the Estimates. We are not going to discuss them today.

Mr. Odinga: Mr. Speaker, Sir, I would like to say that I support the amendment of this Motion and I hope the initiator of the amendment, will take it into his mind, and also to his heart, that we must insist that this £1 million which we have reduced is kept in our minds until the end when we are discussing things like gratuities and so on.

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

The Speaker (Mr. Slade): I only postponed action on Mr. Kariuki's proposed question of the closure to give the Leader of the Opposition the opportunity to speak. I will put the question of the closure now.

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

The Assistant Minister for Finance (Mr. Balala): Mr. Speaker, Sir, I beg to move.

(Question of the Motion as amended put and agreed to)

Resolved accordingly:

THAT, in accordance with section 101 of the Constitution of Kenya, the withdrawal from the Consolidated Fund of the sum of K£40,000,000, made up in the manner set out

in the Vote on Account laid before the House, subject to any necessary adjustment, 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 1970, until such time as the Appropriation Act for that year comes into operation, provided that the authority hereby given shall not imply approval of any items not appearing in last year's original Estimates, and in particular shall not extend to withdrawals for payment of any gratuities not previously expressly sanctioned by the House.

COMMITTEE OF WAYS AND MEANS

(Order for Committee read)

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

(Minister for Finance on 19th June 1969)

(Resumption of debate interrupted on 24th June 1969)

(Second Day of Budget Debate)

BUSINESS

TIME FOR AND ORDER OF BUSINESS

The Speaker (Mr. Slade): Hon. Members, as we have started so late, at 4.25 p.m., I am very anxious that we should get a complete day within the meaning of Standing Orders, which is three hours, so that we do not waste a day on the debate on the Financial Statement. I am sure this would be for the convenience of the House, if not the staff that, instead of stopping at seven o'clock, we continue until 7.25 o'clock today to get in three hours of debate on the Minister's Financial Statement. This means that we shall not be able to take Mr. Cheboiwo's matter today. We will have to leave it over to another day.

Mr. Lawi, you were speaking and you have eight minutes left.

(Resumption of debate)

Mr. Lawi: Thank you, Mr. Speaker.

Yesterday, before the House rose, I had the following points to make. I said yesterday, Mr. Speaker, that the staff of the county councils are at times at the mercy of the councillors. I, therefore, asked the Minister concerned to see that the staff employed by the county councils are properly safeguarded. If a staff of a county council is not wanted in Nyandarua, or he is not wanted in Kisumu, he should not face a straightforward dismissal. This case must be looked into. I know that if a civil servant does not do well in Coast Province, he is transferred to Western Province or Rift Valley Province.

[Mr. Lawi]

Now, someone who commented asked how he could be transferred. However, I think we are here to safeguard the interests of our people, because we have seen what has come about. We know that some county councils have appointed wrong persons and they have refused even to commend some others for certain posts. This is known and that is why I am asking the Government to look into this machinery, because it must be looked into.

Another point, Mr. Speaker, is that we know now, that those people who used to pay Sh. 24 will not be required to pay graduated personal tax any longer. The machinery which was used previously to determine who should pay Sh. 24 did not work properly. I say this because very few people were paying Sh. 24. Equally, I would like the Government to have a committee to investigate who should not pay the graduated personal tax; it should be more careful and considerate, so that there are no arguments among those who deserve this remission. It is of no point to have an announcement made where we have no one to enjoy the facilities so announced.

Another thing, Mr. Speaker, is that I know that this country has been having elected chiefs. This has not worked satisfactorily. I know that when a chief is to be elected he is rendered powerless. District commissioners are not elected; district officers are not elected; and even the provincial commissioners—a chief in a location, does he have to frame his own policies? What he has to do is to further the policies of the Government. However, when he is elected and sent to a location the following day to collect tax, he is going to be told: "Look, we elected you yesterday, what are you doing for us?" That is why development in some locations is lagging behind. This is a drawback according to me and according to other Members. It is illogical to say that if we have elected a chief we have improved the situation. If the Administration, from the top, was elected, I could agree that there is logic in electing a chief, but you elect a chief and render him powerless. This must be looked into.

Another thing, Mr. Speaker, which is very disturbing is the unemployment question. How can we improve the economy of this country when youngsters leaving school are not employed? I know, Mr. Speaker—

Oh! Here is an Assistant Minister who asks me where they will be employed. They will be employed in this country. What is required is only the question of how we plan for employing these school-leavers. Surely, we have schools for educating these youngsters? Are you educating them only to leave them like that? You must

make provision. If you have ten children in your home, you must budget for their education, and what they eat. So, Mr. Assistant Minister, I would like to tell you, through the Chair, that we are here to say what is worrying us at home.

Now, when we come to the other very burning issue of the teachers, I know that even before I became a Member, even during the colonial days, the question of the teachers was there. It has been discussed all these past years. When is this going to come to an end? Who will consider their case? What is lacking? Despite the establishment of the Teachers' Service Commission, we still find that things are not improving. Where are we going to get a person to improve that? The Government, the Minister for Education must think fast, and know that teachers are a very important group within our community.

It is of no use to say that things are well. When we go home and the people talk to us, they ask us: "What are you doing for us?" What we can do when we are here is to say that their case has to be considered fast. It is of no use using delaying tactics of appointing commission after commission. What is required is to come out with a solution and settle their case. It has been pending for a long time.

The last point, Mr. Speaker, which I would like to make here is about the Motions which are passed in this House. I know that many Motions have been passed here urging the Government to do some things in our own areas. However, I do not know how many of these have been implemented. I know there was a Motion about the price of maize being raised to Sh. 47/50. This was passed in the other House, when there were two Houses, and nothing has been done. What is wrong? Something must be done.

With these few remarks, I beg to support.

Mr. Jahazi: Mr. Speaker, I would like first to thank the Minister for Finance for his wonderful Budget Speech and the Budget proposals.

Mr. Obok: You think so?

Mr. Jahazi: Yes, I do.

Mr. Speaker, Sir, I was wondering even before the Budget, how the Minister would be able to balance this year's Budget. Due to all problems facing the nation, we all thought—even the speculators thought—that this year was going to be one of the hardest ever. We were all surprised, however, to see that instead of taxation being raised, the Minister put forward a surprising Budget by, in fact, reducing the prices of some of the items which we could hardly have afforded with our jungle economics to reduce, like

[Mr. Jahazi]

cigarettes. At the same time, Mr. Speaker, he presented one of the biggest development estimates. This Mr. Speaker, deserves congratulations, especially when we go across the border to our sister nations, we find that every thing went up. The people in these countries are paying more than what they were paying last year.

Therefore, Mr. Speaker, we in Kenya should be proud of our Minister for Finance for having achieved what most of us thought was impossible to achieve at this juncture. Now, having said that, Mr. Speaker, I would like to say a few words about my home town, Mombasa.

Mr. Speaker, Sir, I am getting worried about the planning of industries throughout the country. I feel that the Government does not have any plans about the siting of industries. There is no concrete planning for this. Mr. Speaker, you find that every small town, every province and district is fighting to have industries of every kind. In many countries, Mr. Speaker, we find that the Government plans where the manufacturing industries should be placed—at such and such place—and the same with agriculture, mining, fisheries, and forestry industries. However, Mr. Speaker, I do not think there is any plan here. When a new industrialist comes, every province seems to be fighting for him and the Government does not actually seem to guide him as to where he should establish this particular industry.

That is why, Mr. Speaker, although Mombasa is the best-situated industrial town, most emphasis is being laid on tourism.

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

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

I am not complaining about this because Mombasa has a natural set-up for tourists, but it is also a natural set-up for industries, manufacturing industries. I feel that in future, we are not only going to have industries to manufacture local goods, but we want industries which will be able to export goods and earn us foreign currency. If, however, we have to export these things overseas and to other places, it would be very uneconomical to situate such industries in Nairobi, or Nakuru, or elsewhere, Kistumu for that matter. This is because they will have to be railed back to the port, re-shipped, the cost will be higher, and, therefore, we will not be able to compete properly overseas. I would like the Government to come out with a plan, do some survey and find out where industries can be situated throughout Kenya because, Mr.

Deputy Speaker, Sir, however much we in Mombasa would like to grow maize, whether we like it or not, we just cannot do it. Therefore, it would be folly trying to make Mombasa a maize-producing area. It is the same thing if we try to develop other towns so that they can have industries, when they are not the best situated to have such industries. Mr. Deputy Speaker, Sir, we people living in Mombasa must protest very strongly against the idea of killing the town by turning it into a town for lazy people. When people want to go for holidays, they come to Mombasa and also other persons who have nothing to do come there, whilst, in actual fact, Mombasa can be turned into a dynamic, manufacturing city with all types of manufacturing industries.

Mr. Deputy Speaker, we would like to know when the Government will consider establishing a ship-building industry or a ships repair works in Mombasa, because it is the best situated with the exception of South Africa and maybe Ceylon, we do not have any other town where we have ship-building or ship-repairing industries. I think the Government would not find it difficult to establish these types of industries in Mombasa by big ship builders and ship operators.

Mr. Deputy Speaker, Sir, another thing we find is that although there have been some proposals to develop Mombasa as an island to have modern crossing facilities, we still have these ferries which are a very old way of crossing the channels. Mr. Deputy Speaker, no development can go on on the other side of Mombasa if we retain these antiquated means of crossing from the island to the mainland. I have heard and talked with many people who are capable and who have already calculated the construction of a tunnel from Mombasa Island connecting it with Likoni. This tunnel will not cost much money and it can be operated on the present system, whereby the company which will construct this tunnel will charge the ordinary toll as the Kenya Bus Company is doing at present. The Kenya Bus Company is not capable of constructing a tunnel or a bridge over the Kilindini Channel and, therefore, if it is not done by these people, the same system will continue for many years. I know of one Japanese company, of international reputation, which has constructed very many tunnels and it is willing to construct a tunnel under the Kilindini Channel to the other side demanding as little—as I cannot quote the exact amount of money—but it is less than £8 millions. I do not see any difficulty, because these people are prepared to put up this tunnel—fifty-fifty with the Government and then charge their

[Mr. Jahazi]

money and when the money has been repaid, they will hand it over to the Government. Up to now, the Government has not entered into serious discussion with these people and this makes me surprised because, without a tunnel, Mr. Deputy Speaker, no development can come to Mombasa with the present antiquated and old fashioned ferry system.

Mr. Deputy Speaker, while most parts of the country are enjoying television services, the people of Mombasa should be the first people to receive television services. Up to now—and we are approaching 1970—the Minister for Information and Broadcasting has totally failed to meet this target. Everytime he tells us “it will be”, because in 1964 he was saying 1965, 1966, 1967, 1968 and last year he said that people in Mombasa would be able to enjoy themselves with television services by June this year. Up to now, Mr. Deputy Speaker, Sir, there is not even a single sign of a television mast or anything to talk about. This is a very shameful state of affairs for the Minister to be promising us these services. During last year, at the Mombasa Show, there was experimental booming of television for three days and this was very popular and we were told that it would be ready by this year. I would not like to call him a liar but I would like to call him a failure.

Mr. Deputy Speaker, we were told by the Minister, when given his Budget proposal, that Mombasa port will be expanded, but he did not say anything about Mombasa Airport. Mr. Deputy Speaker, Sir, we understand that Tanzania is going to put another airport near Arusha so that tourists can fly directly to Tanzania. If this country is to maintain its lead in the influx of tourists, then we have to improve the services at Mombasa and also expand services in other parts of the country. Otherwise, I fear there will be a danger of Tanzania taking most of the tourists who would have otherwise come to Mombasa. Unless the airport at Mombasa is expanded—because as it is worked at present most of the Europeans tour operators find it to be too expensive—it duplicates the work to fly jets to Nairobi and then have their passengers being taken by another airline to Mombasa. This, Mr. Deputy Speaker, makes the tourists' rates to Kenya very high and these people might take tourists direct to Tanzania. Mr. Deputy Speaker, I have nothing to declare since I am not an aircraft operator; but it is aircraft operator who will find this to be very expensive; to land in Nairobi and then ask the East African Airways to fly the tourists on to Mombasa. This makes them find the rate to be high—instead of flying direct and landing at Mombasa.

Mr. Deputy Speaker, I heard the KPU Members attacking Government and calling this Budget all sort of names. They are making propaganda that this Government is doing nothing to help the unemployed. Now, I would like them to read the Financial Statement again and they will see in the proposed Budget we have £8 million to be devoted on road construction. This, Mr. Deputy Speaker, Sir, is one of the projects that will employ many people who are not employed and who are unskilled. In road construction, many people will be employed, quite a good number of people we have in Agriculture and Water Development £4.7 million and this will also help to cater for the unemployed, especially those who are unskilled, who are the majority.

We find that Housing has been allotted £2.3 million. In Housing—which is part of the building industry—we have many people getting employment on building sites as painters, plumbers and electricians. Mr. Deputy Speaker, the development of Mombasa port will take in a lot of the unemployed. At Embakasi Airport, £4 million has been allotted and many people in Nairobi, who are unemployed, will get employment at Embakasi when these projects start working very soon. We hear that Broderick Falls Paper Factory is to start very soon and also I understand there will be a tyre manufacturing plant established somewhere in the country. All these projects, Mr. Deputy Speaker, are going to employ the unemployed and I do not see why a party with contrary ideas like the KPU can accuse the Government of failing to do something to help the unemployed. This is a world wide problem and, at least, we are doing something about it by this £40 million—

Mr. Munyi: Mr. Deputy Speaker, Sir, with due respect for the hon. Member speaking, who has the wonderful name of *Chui*, since he is talking about the Members of the Opposition, is it not shameful because there is not even a single Member of the Opposition in the Chamber?

The Deputy Speaker (Dr. De Souza): Order! I think you know that is not a point of order. I know that it might be a good point in the debate, but this is not a point of order. If you are raising a point about a quorum maybe that is different but this is not a point of order and please do not make it.

Mr. Jahazi: Sir, I think the Opposition we have here has proved to be so very destructive that they cannot serve their purpose. It is very stupid, Mr. Deputy Speaker, for them to promise anything because when—

Sir, can I have a few minutes because of the interruption?

The Deputy Speaker (Dr. De Souza): No, that took only a few seconds and you have had almost your full time.

Mr. Jahazi: Sir, from the Leader of the Opposition to his lieutenants, they have totally failed, even to suggest what type of counter proposals they can give to the unemployed except to criticize. It is high time we did away with them.

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

The Deputy Speaker (Dr. De Souza): Is there no hon. Member wishing to speak?

Mr. Munyi: Mr. Deputy Speaker, Sir, I wanted to give time to my good friends to speak first.

I fully support the words which have been expressed by hon. *Chui* from Mombasa, that it is rather shameful that the Members of the Opposition, who are only five in number, this afternoon, when we are dealing with a very important Motion are not in the Chamber. I cannot see even a single Member of the Opposition in the Chamber at this time. How can Members of the Opposition claim, in the future, that they will ever form a Government if they cannot be found in the Chamber? Will they form an invisible government, a government of irresponsible people? Will they form a government of people who are unknown? A government of people who cannot be seen here? This is very irresponsible.

Now I come to the first point I wish to put forward. I would like to let the people know that the Budget Speech which has been delivered by the Minister for Finance is the Budget of the people and for the people, and is intended to help the welfare of the people. The reason why I say so is that there is not a single government in East Africa which has ever declared that the ordinary man is not to be taxed. Our ordinary people, Sir, are not now going to be taxed. For a long time we have been asking questions in the House asking for a Budget similar to the Budget which has been brought to this House. I know that my good friend knows much about socialism. If we talk of socialism, then this is one of the ways of bringing socialism, in its true sense, to the people, in a practical way.

Another important point is this. What has made me happy in the speech which was delivered by the Minister for Finance is that we now have water development projects for rural areas. This is very important. There is nothing so essential, nothing so necessary as water. I know that the Republic of Egypt is a country which has advanced a great deal, but this country will not continue with their life if there is no water from the River Nile. They depend on water from this source. I know that today there are some countries

in the Middle East which are fighting—countries like Jordan, Israel, Syria, Iraq—over one thing: the sharing of water. Sir, you can see big powers fighting over water. That is why I say that the Minister has done very well to start a project which is going to provide water. Luckily enough, the name of one of these projects is *Kyeni Water Development Scheme*; which is in Embu. Every *mwananchi* in that particular area feels that he is now going to have a share in the development, have a share in whatever the Government is doing. From now on everyone there will get water. This is a pilot scheme and I hope that the next water pilot scheme will go to Kisumu Rural, Baringo or even to Narok.

Sir, we must remember that water schemes in the rural areas are very important. In the urban areas we have been enjoying water facilities for a long time. Nothing has, however, been done before to provide water schemes in the rural areas. This is the first time that the Government is taking action to see that a pilot scheme is going to be set up in this area. I am very happy that the hon. *Wariithi* has visited the place some time ago. He visited *Kathanjuri* which is the place where the water is going to come from, this is where the people are working from to send water to various places. That scheme is going to cost more than £80,000. Every *mwananchi* will feel that he is getting something when he sees a pipeline going to his house, to his *shamba* to enable him to start an irrigation scheme. It does not matter whether a person has one acre only because this water will enable him to have a good life.

One suggestion which I would like to give to the Government is this. I know that pipes are being transported by lorries of the Kenya Army. If that responsibility was given to the Ministry concerned, the Ministry of Agriculture, the amount which is being spent would have been more. Now, however, we are using lorries from the Kenya Army. Here is my suggestion: in future we should make use of the engineering units, of the Kenya Army. I know that there are roads which are in a terrible condition, there are some districts which do not have any communication, and in such districts, if the Government can make use of the road—engineering units of the Kenya Army, I am sure that the condition of the roads will be good and will help improve the communication system in all those areas. We have so far heard that there was a joint military exercise between the Kenya Army and the army from Britain. The engineering units from the British Army were sent to the North-Eastern Province; not a single soldier was sent either to the Eastern Province or any other place to

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improve the roads there. This is what we want the Government to do, to make use of those units, because it is a part of the exercise. I know that my friend from Kisumu Rural has been helped a great deal during the floods. The people have been going there to work. People have been working on the Kimilili sugar factory, the one in Nyanza. They have been using vehicles. I hope that when the hon. Member from Kisumu Rural, who is an economist, speaks, he will pay tribute to the good work which has been done by the Kenya Army. I know he is going to do that, Sir, because he is laughing.

We have often been talking on the question of school leavers, people who have completed their Cambridge School Certificate, people who have completed their Higher School Certificate, and saying that these people never get employment. The fault lies with the people who are practising tribalism, nepotism, brotherization in various fields, in our hotels for that matter. These people suffer. I would like to give an example of some candidates from Embu who went to the Kenya Air Force because they wanted to join this service. They appeared for the interview and after they were interviewed they were to be employed because they had succeeded; they were to become cadets. However, ever since the interview, Sir, until today these candidates have never been called up and I want to know what is happening. Several times I have gone to that Ministry to check and find out what is happening. Therefore, Sir, I would like the officers in the Ministries to follow the directive of our President, the Father of the Kenya nation, who said that no one has the right to practise nepotism, brotherization, the right of practising things which are detrimental to the progress of our country, to the unity of the Kenya nation. That is wrong.

I come now to the question of citizenship. This is a very delicate question. Why should we continue to give citizenship to foreigners? Why should we continue giving citizenship to people who are not Kenya Africans? The other day I asked the Vice-President and Minister for Home Affairs how many people had been given citizenship in Britain and the answer was, "None."; I asked how many had been granted citizenship in Pakistan and again the answer was, "None.", and the same applied to India. If we cannot be given citizenship in Britain, then why should the people of Britain be given Kenya citizenship? This is wrong. If our people have never been given citizenship in Pakistan, I do not see the reason why Pakistanis should be given citizenship by the Kenya Government. If not a single African has been given citizenship in India,

why should we give citizenship to the people who originated from there? This is completely wrong and people must be treated on an equal basis. That is the answer to citizenship. I ask that the Government should stop, forthwith, giving more citizenship to people who come from countries which have never considered our people as worthy of receiving citizenship of their countries. You go to Britain and live there for fifty years—I know people who have lived there for 100 years but no one would even think of giving them citizenship. Why should they then cry in Kenya and say they want citizenship of this country? This is not another world, this is the same world, this is the planet on which all of us are living. Therefore, the Government should not any longer give citizenship to foreigners.

Now, Mr. Deputy Speaker, Sir, I come to another point, which is on the question of the post held by the Commissioner of Lands. This is horrible; an expatriate is still holding this position as Commissioner of Lands. Why is this? There are Africans who could take over overnight as Commissioner of Lands. I do not see the reason why this post should still be in the hands of an expatriate. This is totally wrong and it must be corrected.

My last point is that some people are worrying now, when they heard the hon. Jahazi say that women should come to Parliament. They feel their positions in their constituencies are shaky because we are going to have women in Parliament. They will have an equal share, and they are coming. In Nairobi, I know they are going to get more than three seats, for the information of hon. Members.

The Deputy Speaker (Dr. De Souza): Order!

Mr. Mwalwa: Thank you, Mr. Deputy Speaker, for giving me this opportunity. In this financial statement—

QUORUM

Mr. Jahazi: On a point of order, Mr. Deputy Speaker, I do not think we have a quorum.

The Deputy Speaker (Dr. De Souza): Are you objecting to our having no quorum?

Mr. Jahazi: Yes, there is no quorum.

The Deputy Speaker (Dr. De Souza): Ring the Division Bell.

(The Division Bell was rung)

The Deputy Speaker (Dr. De Souza): Yes, we now have a quorum. Continue. It took us five minutes to get a quorum, though.

Mr. Mwalwa: Mr. Deputy Speaker, I was going to make a few observations in this debate. Sir, the first point I would like to make is in connexion with the teachers of this country. We have

[Mr. Mwalwa]

had debates, questions and discussions, and there has been much talk about the teachers of this country. We know that 90 per cent of the Members of this Chamber are ex-schoolmasters, if I am not wrong.

Hon. Members: Wrong. Very wrong.

Mr. Mwalwa: Anyway, that is subject to correction. Indeed, if they are not ex-schoolmasters, it is a fact and correct that all of the Members here have been through the hands of teachers. If they were not taught at school by teachers, they could not be Members of this House. Therefore, Sir, it is very important that the teachers of the Republic should be cared for so that they teach with interest the children of the country.

The argument put forward by the Government in connexion with teachers' salaries to me is lame, because they say that the number of teachers in the country is too large in comparison with the Vote which the Ministry of Education is given. However, knowing very well that there are many teachers in the country, and that the money which is devoted to them is not sufficient to pay them good salaries, to my mind—and I do not think I am wrong—there is only one solution: the simple solution is that the salaries given to employees in other departments are too high. Therefore, if we really mean to look after the teachers, and pay to them good salaries, the solution would be to reduce our own salaries, including those of the civil servants who are highly paid. What is wrong with reducing these salaries so that this money goes back and is paid to the teachers. Then they will educate our young boys who will be the future leaders of the country.

I feel that today, in this country, the gap between the rich and the poor is getting bigger and bigger, Sir. This is a question which should be looked into very seriously by the Government, so that we get people paid according to the jobs they do. We have seen a good example this afternoon, when this House talked about gratuities. When we had a debate about teachers, the answer we were given by Government was that there was no money in the country. We were told that there was not sufficient money to give the teachers the salaries they demand. However, what have we seen this afternoon? We have seen that a lot of money was dished out this way and that way. So, Sir, surely this money should have been given to our own teachers, so that they would feel confidence in the Government, and work properly according to the ways they are taught at their training schools.

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

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

I feel, therefore, that the teachers must be paid according to their services, and the lame excuse given by the Government that there is no money, to my mind does not hold water. I feel that the teachers must be well paid.

Sir, I have a second point to make. This concerns the commercial banks in the country. We have passed the Trade Licensing Act in this Chamber, and the experience I have had in the country so far, is that the African is not benefiting as a result of this Act, simply because in order to be able to take over the businesses which were being run by the Asians, you have to have money. You just cannot walk into a shop and begin doing business unless you buy the Asian or European out. However, where is the money to buy these businesses out? Where is it? The money is held by the commercial banks and other financial institutions. Then, though, when we want to get an overdraft or try to get a loan from one of these financial institutions, what answer is given? In most cases, a person gets a negative answer, and the reason for this is simple. Most of the people running these banks are expatriates. Rather, these commercial banks belong to foreigners. One questions as to who are the people being told to quit their businesses. They are expatriates, non-citizens. Who are the owners of the foreign banks? The same people. Therefore, the people running the commercial banks know very well that if they give you the money, you are only going to buy out their friends. Therefore, they make so many conditions, they make it so hard that you are not able to get the money. By the time you leave the manager's office, you are convinced that it is not his fault, that fault is your own, because you do not fulfil the requirements necessary before one is given a loan. Consequently, you do not get annoyed when you leave his office. The secret is simple: he makes these conditions so that you do not get the money in order to go and buy out his own brother or brother-in-law. Therefore, the suggestion I want to offer to the House this afternoon is that whether we like it or not, whoever is in charge, maybe it is the Minister for Commerce and Industry, the Minister for Finance, or perhaps it is the President, something must be done about these commercial banks. Something must seriously be done.

Sometimes, Mr. Speaker, Sir, I am surprised. A Minister of this country is asked a Question in the House, and he says, "We have requested the

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banks, we have requested So-and-so, we have requested . . .". Request, request, request. How long will you keep on requesting in your own country? This is nonsense. How can you keep on begging and begging, and yet you live in your own country? This is serious. I think this attitude of the Ministers should be changed. They should give a direction, they should give orders to the people, so that the orders can be carried out. Otherwise, they are ineffective, because you cannot keep on requesting and begging. For how long will you beg? Are you going to beg until the sun sets?

Sir, I feel that this is wrong, and therefore if, according to Sessional Paper No. 10, it is impossible to nationalize some of these commercial banks, another system should be devised. The Government must devise a system, if they think they would be wronging their friends, to nationalize these commercial banks. Otherwise, the Trade Licensing Act will be ineffective, as long as this condition of begging and begging continues.

An hon. Member: They are beggars.

Mr. Mwalwa: Sir, I have another small point to make on the same subject, and this concerns development in the rural areas. We are told that development this year, next year, and next year, is going to be concentrated in the rural areas. However, one wonders when one looks at the rural areas, especially in the place where I come from. If today I were asked by the people in my own constituency, "Tell us, what has your Kanu Government done for us?", surely, Sir, I would feel ashamed.

An hon. Member: Why?

Mr. Mwalwa: I would feel ashamed. There is very little development which has taken place in my own area.

Hon. Members: What about Kitui District?

Mr. Mwalwa: I am talking about my own constituency, my own voters, not Kitui as a whole. I feel the development must be extended to all parts of this country, not to have all these things being done in one particular province. All the industries, and so on, go to Western Province.

Mr. Mwithaga: Point of information.

Mr. Mwalwa: I do not want your information.

Therefore, Sir, I feel that if our Government wants to be a popular one, if the Government wants up to support it seriously and strongly, they should see that development is spread all over the country. They should not develop one

particular area, simply because it belongs to a particular popular Minister or a popular Member of Parliament, or a popular somebody. Surely, the development must be spread to all these places, so that everybody feels that something is being done by the Government.

Sir, in my own constituency, I have a *Harambee* secondary school which was started two years ago, and so far the Minister for Education does not seem to have taken much interest in it. Maybe this is because I am not a friend of his, we are not on good terms at times. Whenever I approach him, whenever I try to speak to him, he says, "You know, you are very *kali* in Parliament, you attack me and attack me, and therefore I am not going to do much for your constituency." Sir, that is not the way to run the Government. We do not run this Government in terms of friendship, in terms of a popular person. We run the country according to the plan, and therefore the plan must look after all the places regardless of whether a Member is naughty, or a Member is not a friend to a Minister. I feel that the Ministers given responsibility, in charge of their Ministries, must work for the country, and the country as a whole, not only for individuals, so that development can be seen all over the country.

Sir, that is not the only *Harambee* project which we have in our own constituency. We have another project which is very large, a water project. This needs about Sh. 200,000, and the Ministry of Agriculture also seems to be slow about this one. I would request the Ministry concerned in this water project in my own constituency to hurry it up so that the people get their water supply and feel that things are moving.

Sir, I have one last point before I sit down. This is in connexion with roads in the rural areas. I again feel ashamed when I look at the roads in my own constituency. Sometimes, when it rains I do not get home, because the roads become muddy and impassable. They become so bad that I am cut off from my own area. You wonder, if you do not go to your own area, if you do not meet your voters, if you do not mix with them, talk to them and listen to their grievances, how are you able to represent their views in Parliament. You only think, go to sleep, then wake up and say, "Oh, I think there is this need in my own area." Thinking is not enough. What you have to do is to see with your own eyes, and be told and then you are able to present what you have seen with your own eyes and what you have personally heard. I am always cut off during the rains in my own constituency

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because of the condition of the roads. They are poor, impassable, muddy, and there are many drifts. Therefore, I feel it is time the Government looked into all the complaints of the Members of this House, and tried to take action.

Then one wonders, Mr. Speaker, when we present these facts to the House and to the Government, sometimes the Government tends to think we are criticizing, we are exposing them to the public. That is a negative attitude. That is not exactly what we mean. We mean to present the facts as they are in the rural areas, so that the Government will wake up and find out they have not completed this or that, and therefore they should go into it and try to complete what has been started. This attitude of the Government, that its own Members, the Back-benchers, are trying to expose Government weaknesses is wrong, and it is high time they amended their way of thinking and listened to what the Members say. We always tell the truth, because we live with the people. We belong to our people, they approach us, they are not afraid of us, but they will not approach the Ministers because the Ministers are too big, they are too far away from the people.

Hon. Members: Question, question.

Mr. Mwalwa: The Ministers are too far away from the people, and with these few remarks, I wish the Government would wake up and take action.

Mr. Bala: Thank you very much, Mr. Speaker, for giving me this opportunity to join my colleagues in this debate. First of all, two hon. Members, Mr. Jahazi and Mr. Munyi, made irresponsible statements when I was up in our Whip's Office. They claimed that because we were out of the Chamber, that alone was an irresponsibility. Mr. Speaker, I think if some Members are bankrupt and they have nothing better to tell the House, the best thing would be for them to sit down and keep quiet. We are a responsible Opposition, criticizing the Government, in places where the criticism is necessary.

Hon. Members: One person, one person.

Mr. Bala: Mr. Speaker, one brainy person is equal to 50 idiots, therefore that does not actually matter. I may be one person, but one person on the right—

Mr. Lubembe: On a point of order, Mr. Speaker, is it in order for the hon. Member to imply that that Opposition man is equal to 50 idiots? That means he is saying that as he is alone there he is equal to 50 people who are not in the Opposition, and that we are idiots.

The Speaker (Mr. Slade): Hon. Members who are provoked by interjections have some latitude in what they say. He only said that he was as good as 50 idiots. He did not say who were the 50 idiots, unless they chose to name themselves.

Mr. Bala: Thank you very much, Mr. Speaker. In fact, I did not refer to anybody. I did not actually refer to the hon. Member.

Now, Mr. Speaker, the Government announced that they were going to do away with the Sh. 24 tax. I quite agree with my friend, the hon. Okelo-Odongo when he said that the Sh. 24 is just lip service. Why could this not have been done two years ago? Why could it not even have been done last year? They are only doing it this year because they think by doing away with the Sh. 24 tax, the voters will vote for Kanu. However, let me tell you, Mr. Speaker, nobody is going to be deceived into thinking that by not having to pay this Sh. 24, they will have to vote for Kanu. In fact, if the Government had given free primary education from standard one up to standard seven, they would have fulfilled what the *wananchi* want, but the Sh. 24 is only a lip service. I hope that the next Parliament will have a KPU Government.

Hon. Members: Shame, shame.

Mr. Bala: Mr. Speaker, because—

Mr. Munyi: A point of information, Mr. Speaker.

The Speaker (Mr. Slade): Point of information, Mr. Bala?

Mr. Bala: Mr. Speaker, I do not need any information from him. I am more informed and I know all I want to talk about, and, therefore, I do not need his information.

Mr. Speaker, if only the Government could have said something to do with free land for the landless, for the people, I know, who are landless, these same people who are going to be exempted from paying the Sh. 24 tax, they are able people and if they are given land, they can work on the land and be able to pay the taxes. In fact, they would pay Sh. 48, and not Sh. 24. Therefore, instead of aiding these people so that they can be able to pay their taxes, they are trying to leave them idle, and yet they have children and wives to feed. Even if you exempt them from paying the Sh. 24, that will not fill their tummies; they will still need food; they will still need to educate and clothe their children and so on.

Therefore, the only course for the Government should be to try and help these people so that they can get land; to help them educate their children, and that is the only way we could have helped them.

An hon. Member: Where is the land?

Mr. Bala: Mr. Speaker, one Member is asking where the land is. I am very surprised as he is a Member from Western Province, because if he could have gone along the shores of the lake, he could have seen that a lot of land is now being wasted as a result of the rising of the lake and as a result of water which is not properly controlled. Therefore, a lot of land is covered with swamps. If this water could have been controlled, we could have had about 200,000 acres of land, which could have been developed. Mr. Speaker, Sir, it appears that because this Government has no proper planning, that is why sometimes we end up with a lot of people being unemployed; nobody cares about them and nobody is planning anything. The only thing they have is propaganda through the Voice of Kenya, which is sometimes wrongly used. Mr. Speaker, the Voice of Kenya should not be made the Voice of Kanu for propaganda.

Mr. Speaker, on the last day of the election in Gem, there was still an announcement by the Voice of Kenya that Kanu was going to have a landslide victory. What did we see? As a result, Kanu even failed to get its deposit back. The Voice of Kenya should not be misused like that. We want the Voice of Kenya to report accurate information which will be got correctly by anybody in Tanzania or Uganda; but now, somebody in Tanzania who heard the news that Kanu was going to have a landslide victory, only found out later that they lost. Is that not failure on the Voice of Kenya? Therefore, let the Minister for Information be very strict and not allow Tom, Dick or Harry to come and misuse the Voice of Kenya for his own ends. Mr. Speaker, that is very wrong.

Now, Mr. Speaker, presently, we have a number of people who are unemployed. Let me give you proposals. Mr. Speaker, in the area where I come from—it is a sugar-cane area—you find that people are being kept as casual labourers, casual labourers throughout the year, whereas if these people were given proper employment we could have something over 50,000 people employed. However, just to keep them as casual labourers all the time, that increases the situation of unemployment in the country. This Government does not actually plan anything—they just leave things to go on as they were during the colonial times. What is the use of having independence, if things are just to go on the way they used to, before independence? Why can somebody not be brave enough and have these plans and see that some changes take place, Mr. Speaker? Why should we have Ministers in the offices if they cannot plan for the country so that people get employment? Mr. Speaker, that is very wrong.

Now, Mr. Speaker, when you go again, to places like Muhoroni Settlement, or Songhor Settlement, which are Luo Settlement Schemes, you find that the Luo people are discriminated against. In fact, they are paying levy which no other settlement scheme is paying in the country. They pay a levy ranging from Sh. 190 to Sh. 750 for a farm of two and a half acres only. Out of two and a half acres, you pay a levy when you cut your cane of Sh. 700. Even if the whole amount is deducted, and you end with nil, you will still have to pay Sh. 750, Mr. Speaker, which is not paid in any other place.

Even yesterday, Mr. Speaker, there was a delegation which came to see the Minister for Lands and Settlement as many people want to go back to the reserve because they are not getting anything, Mr. Speaker. You will find that somebody has earned Sh. 4,000, and then deductions are taken until this man gets nil after being in the settlement for four years. Now, Mr. Speaker, where is the wisdom of going back to the land? Where is the wisdom of somebody saying "go back to the land"? Which land are you going to? If you go back to that land, you work for four years and you do not get anything. There is no wisdom Mr. Speaker. This means there is no proper planning. If there was proper planning—I know that if one has been given a loan, one has got to pay the loan—a system could have been devised, whereby if somebody got Sh. 4,000, something like Sh. 2,000 could be taken as a repayment of the loan, and the rest, Sh. 2,000 could be left for him. However, he gets all the deductions while his children are staying with him, no fees, and now he cannot afford even to buy a shirt after being in the settlement for so long. Mr. Speaker, I think that is a way of sheer discrimination. There is no other settlement scheme where such things are being done. It is only done in Luo settlement schemes, which is a big shame for some of us who pretend to be in the Government because they are doing nothing for us. Our people are not getting any benefits, Mr. Speaker.

Now, Mr. Speaker, when we go to the question of irrigation schemes, in Kano Irrigation Scheme we find that there are 1,012 families who are affected by that scheme. Out of 1,012 families, only 500 were taken. The rest—512—were left to be labourers or employees of these people who have actually settled in the scheme. Now, Mr. Speaker, it has taken over four years since the scheme was prepared and these people have no security. They have no security whatsoever, because their land was taken and, in fact, some of them were not paid anything. You found that you

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had a house, and that house had no title. When these people were checking for registration, some people were found to have hedges and some people having fenced their land, but later on they found that they had no land. Therefore, no compensation was paid to them and these people had no place to settle. They are just left like that, without even a place to build a house. Mr. Speaker, what sort of plan is that, if out of 1,012 families only 500 were catered for and the other 512 just left like that—you can roam about; you can live with your friends wherever you like—they are just forgotten like that? If there was a proper plan, these 512 could have been given land in the settlement scheme, and, in fact, they had agreed that, out of any compensation they might have, they were prepared to leave that money and get some land for settlement. Nobody actually cared about them. We have actually shouted in various offices but nobody cares. Even an amount they collected—Sh. 700,000 for buying a farm, nobody has assisted them to get a farm with a loan from the Agricultural Finance Corporation; so they are just left like that, their money is lying in the bank and nothing is being done, Mr. Speaker. Well, this is the wrong planning, which shows that the present Government has no aim to assist anybody, Mr. Speaker.

Mr. Speaker, I hope that in the next General Elections, Government will have fair play like the one we had in Gem: but right now, there is no body constituted like the Electoral Commission. We do not have the Chairman of the Electoral Commission; nobody is planning how the elections will go; there is no place where someone can actually take his complaints—

Mr. Omar: On a point of order, Mr. Speaker, the Member speaking has made an allegation that the Electoral Commission has no Chairman, and to my understanding, you, Mr. Speaker, are the Chairman. Is he not misleading the House?

The Speaker (Mr. Slade): No. The hon. Member is quite right, certainly as far as my Chairmanship is concerned because by the Constitution of Kenya that you adopted earlier this year, included a few amendments, and one of the amendments was that the Speaker should no longer be the Chairman of the Electoral Commission.

Mr. Pala: Mr. Speaker, I do not know whether some Members have just passed these Bills without even reading them.

It is just about six months ago when we passed the Bill here which deleted the name of the Speaker as the Chairman of the Electoral Com-

mission, and I do not know whether this Member was in Mombasa and did not come and hear all these things.

Now, Mr. Speaker, there is no body like the Electoral Commission with which you can plan how the next election is going to be. Somebody, Mr. Speaker, is trying to leave this deliberately and is trying to bring chaos by way of trying to get in unopposed as they did in the last local government elections. That would bring the biggest chaos ever seen in Kenya, Mr. Speaker. It will bring one of the biggest ever forecast in Kenya, and I mean my word, Mr. Speaker.

Now, Mr. Speaker, one Member says "who cares", but because of all his deeds in Mombasa he has no support. I understand one day, he killed a bull but he could find no people to eat it because of his chaos—his usual chaos. Now, some of these irresponsible Members have thought that we are—

Mr. Jahazi: On a point of order, Mr. Speaker, the hon. Member is alleging that I killed a bull in Mombasa and nobody ate it. Can he substantiate that? The Member speaking has alleged that I killed a bull—a KPU bull—in Mombasa and nobody ate it; can he substantiate that?

The Speaker (Mr. Slade): Not unless it is relevant.

Mr. Jahazi: Then he should not say it.

Mr. Bala: Now, Mr. Speaker, I will leave that point alone because I do not want to come to a confrontation. I leave that alone.

Now, Mr. Speaker, can I have one minute for that interruption?

The Speaker (Mr. Slade): I think you asked for that interruption.

Mr. Bala: Therefore, it is the end of my time.

Mr. Speaker, I beg to oppose.

Mr. Mwithaga: Mr. Speaker, Sir, we have been presented with the Estimates of this year by the Government and one of the things that the people have taken very seriously—not seriously in the bad way—and with much jubilation, is the question of doing away with this graduated personal tax. However, if the local authorities are not able, any more, to levy the graduated personal tax, I can visualize a situation coming about, whereby the Government will have to run the local authorities from a central point. A Member is talking behind me, but I think I am more versed in the local government system than him. I say a situation can be visualized because most of the local authorities have been depending entirely on the graduated personal tax. Now, the people must be

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treated in the way they have been treated—I quite agree—by not paying the graduated personal tax. However, what will happen now if the Government is forced to take over the organization and management of local authorities as far as money is concerned? Will that not bring about a larger grant system? If there would be a grant system increased to be able to meet with the situation with the weaker councils we have now in some areas, how will the money be raised by the Government? Are we not going to increase our borrowing to be able to meet such things?

Mr. Speaker, Sir, however technical it may sound, when we take decisions we must take decisions with some other things in view; trying to visualize a situation that can crop up, and also trying to find out ways of handling such situations. That is for the Government to sit down and think and plan on.

Mr. Speaker, Sir, I would be interested more now with the political situation in the country. We have had a democratic rule for the last six years, since the country became independent. I say democratic 'because, however much people in this country have felt bitter about some issues and some activities of the Government, the Government has tended to show a sense of tolerance and patience. The last speaker could not wait, at least for a while, to thank the Government for allowing an Opposition to be in the benches where they are. There is no better democracy than that; allowing a small Opposition to exist in a country with a terribly large majority in the Government.

Mr. Speaker, the Opposition party—and this is one of my political principles—should not be allowed to exist merely for the sake of existence in itself; there must be a purpose. The Opposition knows very well that their political policy would not allow any opposition in any country; they would not have Kanu in opposition if they were in power. If the principle—

Mr. Bala: On a point of order, Mr. Speaker, the Member speaking has alleged that the Opposition party would not allow Kanu to exist if it were in power; could he substantiate his allegation?

Mr. Mwithaga: I can.

The Speaker (Mr. Slade): No, he is expressing an opinion, a fear for the future, even if it is not justified.

Mr. Mwithaga: Mr. Speaker, even if it was a question of substantiation, I was ready. I do not normally say things in the House without knowing what I am saying. In the socialist system, which

the Opposition has been echoing in the country, an Opposition party cannot be allowed, and it is not allowed in any part of the world where there is a socialist government. This is a fact.

An hon. Member: Are you an African socialist?

Mr. Mwithaga: Mr. Speaker, Sir, the Member is asking whether I am an African socialist. In fact, he knows very well that the Opposition is against the African socialism, which we follow in this Republic, which means, therefore, that their socialism is scientific. With an Opposition there is no socialism. Therefore, that being the case, not one country which is a scientific socialist country allows opposition. They should agree with me that at times one can misfire, thinking that one is trying to establish a policy and then own up to being misinformed because the brothers want them to be honest with them. I have always said—I believe what I say is true because I am a Christian socialist with true Africanism—that this is so. However, politics, being the game it is, must be handled with a lot of care and with a lot of considerate emphasis being placed on the approach to political issues. Therefore, the existence of the Opposition, to me, in Kenya is unnecessary. It is completely unnecessary. There is no shame in the Opposition joining us to build the nation as one people; there is no shame at all. In fact, Sir, there is a philosopher who used to say: "If you lose honour, you have lost nothing, if you lose property, you have lost something; but if you lose courage, you have lost everything." All that they are lacking is courage, and by losing courage they are losing everything.

The Speaker (Mr. Slade): Mr. Mwithaga, wide though the scope of this debate is, I do not know whether all this is relevant.

Mr. Mwithaga: Mr. Speaker, Sir, I will leave them aside because I think they understand what I mean. If that is too high for them, I do not have to apologize for it.

Now, Mr. Speaker, the other thing is that we must look at the political situation in our own party, leaving out the Opposition. We have to be frank on these issues now that we are facing an election. One thing the Members should understand is that the election we are going to carry out next year will not be similar to the election which was carried in 1963. In 1963 the election was for independence; the election we are going for now is national policy. That is the time when the policy of this Government will either be approved or rejected and, therefore, it is a policy election. If we are facing a policy election, we must be very careful not to have a situation like that de Gaulle had in France. We, in our party, must be able to go out to our people and go out

[Mr. Mwithaga]

together, but the struggle for power must be completely done away with. Egotism is very dangerous. There has been a bit of a crisis in the Kanu branches everywhere. For the information of the hon. Members, this is our last Budget before we go to the elections.

An hon. Member: So what?

Mr. Mwithaga: Therefore, Mr. Speaker, Sir, we must be able to consolidate our efforts and forget the struggle for power. After all, power comes and power goes, and leaders come and leaders go. However, if we do not believe that we are going for the 1970 elections with the clear understanding that we have a responsibility to the public, we will be making a very serious mistake. Therefore, we must be united now or never. Power struggles must cease.

Now, Mr. Speaker, the Back-benchers are supposed to defend the Cabinet, the Government and the President—

An hon. Member: Not blindly.

Mr. Mwithaga: Of course not blindly, Mr. Speaker, Sir, I quite agree. However, when issues are taken by the Cabinet behind the backs of the Back-benchers, we are treading on dangerous ground. We have the issue—I do not know, Mr. Speaker, Sir, whether you will rule me out of order—like that of the gratuities which were contained in the National Assembly Remuneration Bill.

The Speaker (Mr. Slade): Order! Yes, I do rule you out of order, Mr. Mwithaga, for reasons I gave earlier today: this will be debated at another time.

Mr. Mwithaga: Mr. Speaker, Sir, I anticipated that order.

Mr. Speaker, Sir, there are issues which are far more serious than that one which do not need further reference. The Cabinet must stop taking decisions which are controversial and cumbersome and which are difficult to be defended by the Back-benchers of the same ruling party. One cannot expect me to go to a platform in my constituency and defend an issue which affects my political principles and my political philosophy. We must be able to see eye to eye and therefore be honest with one another.

Mr. Speaker, Sir, every Member of the Cabinet is a member of the ruling party; we are Kanu, and if we are all Kanu there must be no question of referring to each other as Kanu a's, Kanu b's, Kanu seconds and Kanu firsts. Therefore, if anything goes wrong, these Ministers of today will be to blame because of trying to treat themselves as an entity. In fact, themselves and our-

selves in the Back-benches are already an entity. They must agree with me that when we run a country with a political party like the one we have in Kenya today—a political party Government—we must understand that we are equal. I have to thank the President for having tried to make them understand—the Ministers understand—that we are all equal.

An hon. Member: Have they understood?

Mr. Mwithaga: We want a Minister to stand up in the course of this debate and tell us that they have understood and they have agreed and accepted that we are all going to help the country and we are all equal.

Therefore, Mr. Speaker, I am trying to warn them because we have a collective responsibility as far as the masses are concerned. As they are my fellow politicians I feel I should take this opportunity to warn them.

Lastly, Mr. Speaker, Sir, I must point out something on this question of the strikes which are now taking place in our country. The other day the teachers were going on strike and they were told that on the 10th July they would have the right to go on strike. They have not got the option, Mr. Speaker. Now, is it really impossible for us to try and sit and plan, and if the Ministers cannot plan alone, they should try and use the Ministerial Committees which they were asked to have and which they have never tried to use. If these Ministerial Committees are to be used, perhaps the Ministerial Committee for Economic Planning and Development could advise the Minister on how to approach economic planning and to draw more money and to use it equitably in all spheres. The brains of the Members are being wasted, Mr. Speaker, and I am sorry to say so. The brains of the Members are being wasted because no Minister is prepared to use the brains of these Members by using the committee system to run the Government.

Mr. Speaker, Sir, if this is because some of them fear some of our brains are brighter than theirs, then they should say so, and there is no hypocrisy in this. Mr. Speaker, they must be honest and open to their fellow colleagues, they should use the Ministerial Committees to advise the Ministers so that unemployment can be curbed by using the brains of people who have alternative methods and try to find how money can be used to improve this and that organization or institution.

This, Mr. Speaker, Sir, is the essence of running a good government. Do we have the Ministerial Committees? The other day the Chief Whip was collecting names again, if he has convinced the

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Ministers to call them I do not know. You have seen, Mr. Speaker, parties organized in the lounge here by the Foreign Ministry. Mr. Speaker, Sir, Members of the Foreign Affairs Committee—I am one of them, and I think the Minister does not know I am a Member of the committee.

An hon. Member: Shame on him.

Mr. Mwithaga: It is not a question of shame, it is a question of facts.

Mr. Speaker, Sir, with those few observations, I beg to support, and I hope the Ministers will take considerate consideration of that.

Mr. Shikuku: Mr. Speaker, Sir, thank you very much for giving me the chance to say a few things about this present Financial Statement.

First of all I must congratulate the Minister for having moved it, and I would like to make the following observations.

I will start, first of all, with the graduated personal tax, Sir. The idea of doing away with the Sh. 24 is most welcome and I must thank the Minister for doing so. May I know if this is going to be implemented? The system, Mr. Speaker, is that civil servants usually accept anything said in this National Assembly but in practice it is not done. In other words, Mr. Speaker, we have two governments. The Government of this National Assembly and the government of provincial commissioners, district commissioners, district officers, chiefs and sub-chiefs and God knows what. Now, Mr. Speaker, I accuse the Ministers, some of the Ministers use the Administration to keep themselves surviving politically. This is the wrong attitude, but this time it will be for the public to decide and watch the Ministers.

Sir, why I say this is this. When the President of the Republic of this country announced that those who were paying Sh. 48 would pay Sh. 24, this decision has never been implemented at all in my constituency of Butere to be specific. Instead, the sub-chiefs and chiefs have gone to the extent of over-taxing the poor people, and when they appeal to the district officer, the district officer goes by the decision of the sub-chief. In other words, Mr. Speaker, there is the policy of defence. If an innocent poor man appeals to the chief, the chief will not look into the matter and will have to defend the sub-chief. If you complain about the chief then the chief will be defended by the district officer. If you complain about the district officer then he is defended by the district commissioner up to the provincial commissioner level. Mr. Speaker, this is because

they have the stupid regulation that you must defend your subordinates. Whether they are wrong or not they must be defended. The same thing goes on in this House. When we say anything the Minister does not want to listen to you, but he must defend the civil servants.

Mr. Speaker, this is very annoying. I sometimes regret that I ever fought for independence because during the imperialist time if you complained to the highest authority something was done. In this Government that is not the case. Mr. Speaker, I can say this very authoritatively because I went and complained to the district officer about taxes. Some poor people are being over-taxed but there are people who are related to sub-chiefs who do not pay a single cent to this Government and they are not arrested nor are they taken to court. When I went to the district officer to appeal to him he told me he would look into this but up to now I have heard nothing. They are harassing other people, sending them to court where they are being fined Sh. 50 and then they are asked to pay three years' taxes with fines.

Mr. Speaker, this is wrong and I wish the Minister would ask me to substantiate and I would then make him very small.

The Minister of State, President's Office (Mr. Koinange): On a point of order, Mr. Speaker, you know with all sincerity that I do not take sides. Only yesterday, when I lunched with the Member, I asked him to bring those facts to my office, and he refused to do so and now he is bringing the subject here.

The Speaker (Mr. Slade): That is not quite a point of order as it stands, but I think Mr. Koinange is saying really that you should substantiate this now if you were not prepared to do it then.

Mr. Shikuku: I accept it, Mr. Speaker. When the Minister talks like that, he must remember I went to his office one day to complain about the chief in question. Yesterday I told him that if I gave him these names he would do nothing. Mr. Speaker, the names of the people in the sub-location of Shiatsala, for example—

The Minister of State, President's Office (Mr. Koinange): On a point of order, Mr. Speaker, did he honour his promise?

The Speaker (Mr. Slade): There again it is not a point of order.

Mr. Shikuku: Mr. Speaker, the hon. Member should be ashamed of himself by rising on points of order which are not at all valid and taking my time for nothing.

[Mr. Shikuku]

narrowed. This Budget is not doing this at all, but is leaving the rich man to be rich and the poor man to be poor. This is wrong. I feel they should be taxed more in the things they enjoy, like television, beer, cigarettes, cars, suits, whisky—all these should be taxed so that we narrow the gap. There are also the ties, the suits, the shoes, the socks, if the Member for Kilifi South or North would like me to tell him. All these things should be taxed so that the money from these people can help in the development of this country and also provide employment for the less fortunate, Mr. Deputy Speaker.

Another point which I would like to mention, Mr. Deputy Speaker, is about the question of unemployment. Mr. Deputy Speaker, it is very, very interesting. We talk about it, but when I try to call a conference it is submerged. There are difficulties put in my way, and so I cannot talk about it. Let it be known to them—whether they talk about it or not, whether they refuse to allow me to hold a conference or not—that one fact remains, and that is that the problem can never be solved by keeping silent. This must go to the Minister for Economic Planning, the Minister for Labour, the Minister for Commerce and Industry and the Minister for Education. If they refuse to reply to my letters, that ghost shall haunt them into their graves.

About the strikes, Mr. Deputy Speaker, I take great exception to the fact that if those in Kenya, I do not care about Uganda and Tanzania, are going to demand more salaries when they know only too well that there are so many people unemployed in this country, there are so many people who do not earn even 10 cents in a year, Mr. Deputy Speaker, the Government should be tough with them, and imprison all the trade union leaders. We must have a wage freeze for five years, we cannot afford, Mr. Deputy Speaker, to have strikes when our people do not even see a 10 cent piece in a year. Where is the justification? I believe, Mr. Deputy Speaker, that these threats of strikes by people who are already earning money should be ignored they should know that if they go on demanding more money for their stomachs, their filled stomachs, they will have to be eaten up by very many empty stomachs. This is a warning to them.

Mr. Deputy Speaker, I say there should be no more strikes in this country, and there should be a wage freeze for five years. If they do not want to listen to this, they will one day have to listen when the hungry men tear their big bellies. The trade unions are shouting because they want a livelihood, I accept that. I am shouting also because I want a livelihood in the National

Assembly. I am shouting, but I am prepared to reduce my salary to help those people who are without food. What sacrifice have the trade unions made? They call themselves leaders of the workers, when all they have are their big, protruding bellies. Mr. Deputy Speaker, they should watch out because the hungry men are really watching them.

Another thing, Mr. Deputy Speaker, is about trade, and this is for the Minister for Economic Planning. The trade, Mr. Deputy Speaker, in the Western Province is at an end completely. The people in charge of the trade do not inform the people of the Western Province as to which Indian is going. Instead, they have their friends in Nairobi and they give them the list of the Indians who are going, and the people from here go and take over the trade in the Western Province. Mr. Deputy Speaker, if *umoja* means that one tribe has to move into everything in every part of this country, they will live to regret it one day, and it will all be taken from them and they will be asked to go back to the little place where they come from.

These are facts and we must build unity on facts. Let Njoroge eat, let Onyango eat, and let Olukhanya eat, and let a Giriama man eat; but if it is only one man who is to eat, then he will be eaten up by all in the long run. Mr. Deputy Speaker, these are facts he must take.

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

The Minister for Co-operatives and Social Services (Mr. Ngala): Mr. Deputy Speaker, Sir, I would also like to join hands with my colleagues who have congratulated the Minister for Finance for the Motion which he has so ably moved.

Mr. Deputy Speaker, Sir, I think Members of this House must understand one thing. In a country where we are thinking of development, in a country which has been independent for about five years, the rate of development and the type of development must be selected properly. There is no government which has been in existence for such a short time which can take over every type of development and be able to fulfil with the limited resources which such a Government must have.

Therefore, Mr. Deputy Speaker, I think the Minister for Finance has reflected great wisdom in selecting the aspects which give the right priority as far as development is concerned. This is a matter which every Member must take recognition of. Developing or planning means choosing, and we must choose our priorities carefully. Government has not said, in any of the documents we have circulated to the Members,

[Mr. Shikuku]

Now, Mr. Speaker, in the sub-location of Shiatsala, a lot of my people, and particularly anybody who appears to be friendly to me, is harassed and asked to pay his graduated personal tax; his are always being arrested.

The Assistant Minister for Finance (Mr. Balala): On a point of order, Mr. Speaker, is it in order for the hon. Member to bring this issue over and over again when only yesterday in the Parliamentary Group meeting the President personally asked Mr. Shikuku to bring forward his complaints and they will be solved, and now he is repeating it?

The Speaker (Mr. Slade): That does not make him out of order.

Mr. Shikuku: Mr. Speaker, I am the Member for Butere and the hon. Arab is not a Member for anywhere.

The Speaker (Mr. Slade): I think we will have no more of it. Mr. Shikuku, I suggest we move on to something else now.

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

Mr. Speaker, I am trying to put a case here. The case is that some of these people are suppressed because they are friendly to me or simply because they happen to be known to me. They are being harassed and arrested when there are people who are not paying a single cent to this Government, who are not being harassed. For example, the father of the sub-chief of Shiatsala Sub-location, named Okutoyi Otinya, has never paid his taxes since 1965. Oluchula Otinya, his brother, has never paid. Otinya Okutoyi, his brother, has never paid. Maimba Otinya has never paid. Johnson Otinya has never paid. Mr. Speaker, where is it provided that the relatives of the sub-chiefs do not pay graduated personal tax, and those who are not the relatives of a sub-chief must pay and must also be harassed?

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

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

Mr. Deputy Speaker, this is corruption of the first order.

The Assistant Minister for Finance (Mr. Balala): On a point of order, Mr. Deputy Speaker, the hon. Member has just listed the names of chiefs or sub-chiefs whose relatives did not pay graduated personal tax, would the hon. Member be kind enough to inform the House of the source of his information?

Mr. Shikuku: Mr. Deputy Speaker, the source of my information, for the information of the Minister who has no constituency, is that I am a

man from Shiatsala Sub-location and I am specifically talking of Shiatsala Sub-location's sub-chief. I am from there and I know these people by appearance, I know their homes, and for his information I can even take him there. This is a fact and he can go and check for himself.

Now, Mr. Deputy Speaker, the other point is that in Butere Constituency and particularly Marama Location, the people who are arrested because of having not paid their graduated personal tax are being sent to the chief's cell. There is no blanket there. There is no food. There is another man again, Mr. Deputy Speaker, by the name of Makabira Wamere who was arrested on Friday, 16th of this month, he stayed in that cell without a blanket, and without food from Friday to Sunday, and I do not recall any time when the imperialists ever did that to an African. It is a shame on this Government; and if that is what we are told we should sing Hallelujah and *Umoja* for, then I say no.

Mr. Deputy Speaker, I am being told I am the Chief Whip; I will never be the Chief Whip if I am not elected by the people of Butere. Why do not the Ministers resign after taking their gratuities?

Mr. Deputy Speaker, this is very inhuman, very atrocious and completely defeating the meaning of independence in this country, if our people can be detained without any food, without blankets. They have not killed anybody. Even I know the murderers who have been arrested in this country are given food. I am not supporting the idea that my people should not pay tax. They must pay tax, and if they fail they should be arrested. But if they are arrested they should be sent to the cell and given food. They should not be kept there without food.

Mr. Deputy Speaker, I go on. There is even another sub-location called Shibembe where most of our supporters are being arrested but the other people who are not paying taxes are staying there without paying their taxes. Here is another list of those who have not paid G.P.T. in Shibembe Sub-location of Marama Location. There it is for the Minister to see.

Mr. Deputy Speaker, I now come to the question of the Financial Statement. The Minister said the statement was a progressive statement and I agree with him, but it does not try to bring the gap between the people who have and the people who have not. The rich men in the higher income bracket, including the Members of the National Assembly, have not been taxed. They should have been taxed more so that the gap between the people who have and the people who have not is

[The Minister for Co-operatives and Social Services]

that we have taken over everything, or that we have resources to develop everything, but all we have put in the Estimates is what we can choose and develop according to the needs of the people. This, I think, is appropriate. For hon. Members to come with great emotions as if the resources of the country are unlimited, I think is not realistic and is not practical in planning.

Mr. Deputy Speaker, Sir, when the Government says graduated personal tax for the people who receive less than Sh. 80 a month is abolished, this is a sincere move by the Government and is a move which I think is very much appreciated by a lot of people in this country. It is very helpful to the people in the country. It is not a political gimmick, but is something which has been given as promised by Government to the people of Kenya.

I am quite clear that for those Members who go back to their constituencies, if they want to know the opinion of the people, they will see that, Mr. Speaker, Sir, the ordinary man very much appreciates this abolition and he feels that Government has at least removed one of the day-to-day burdens. Mr. Speaker, Sir, this very House in the past has been asking for Government to take steps in reducing or removing this burden and Government has fulfilled what has been asked for by this House for many years. I think, Mr. Speaker, that doubting Government and the Ministers, is not a sincere thing. I think we should be thankful that Government has appreciated the troubles of the ordinary man.

Mr. Speaker, the other point which has been raised is this question of unemployment. Now, we must acknowledge that the country has a bit of unemployment. We must also realize that the medicine for unemployment is economic expansion. If we expand our economy in the country, we shall increase opportunities for work. We shall employ more people, and I think anybody who has studied the development of Kenya, since independence up to now, sees that Government is expanding the economy in the country. Take, for instance, tourism—

An hon. Member: Kilifi.

The Minister for Co-operatives and Social Services (Mr. Ngala): Kilifi is not Kenya. Take tourism itself. Before independence, Kilifi had three big hotels at Malindi. Now, Kilifi has eight big hotels along the coast.

Hon. Members: Who owns them?

The Minister for Co-operatives and Social Services (Mr. Ngala): Mr. Speaker, Sir, if the Members understand what economic expansion

is, they will see that in the Tourism Industry, people are getting employment; people are paid. Out of this pay, they are supporting themselves and paying fees for their children and they are buying their daily needs. Mr. Speaker, Sir, if this is not economic expansion—and it has been shown by the Minister that out of tourism only we anticipate to get £60 million. This item is a very big item, in fact it is almost becoming number one, of our revenue producers, in the country, and therefore, people should see what Kenya is doing in economic expansion. It is only that, economic expansion, which will give our people more opportunity of employment. Therefore I was waiting to hear, from hon. Members, suggestions along the line of economic expansion—In what areas we should expand; in what areas we should add to our expansion, and what the budget should have been done to expand more. It does not benefit the country for somebody to say, “The Minister should have not have done this”, without giving an alternative. You have to give your alternative to show your maturity.

Mr. Speaker, Sir, I have shown it is necessary to expand the economy and I have given one instance—tourism for example, Government has got to be congratulated. Some people have said, “to whom does it belong?” They know very well that in our Constitution we allow private sector activities—and private enterprise is not illegal and is not unconstitutional. Government, at the same time, is trying to participate as much as possible in certain percentage in industries, and Members can have a look at the development plan as submitted by the Minister and they will see themselves.

Mr. Speaker, Sir, looking at the same question of unemployment, I think the second thing which must be reckoned with is the attitude of parents and pupils. Parents must begin to educate their children that when they get educated up to University or up to college or Higher School Certificate or up to Form 4, they should be told by their own parents not to expect white-collar jobs. They should be ready to go back to the land—and I know some of them have land. Most of the pupils who are roaming around towns like Nairobi and Mombasa have left their mothers' and their fathers' good farms which are not cultivated, and—

An hon. Member: Where?

The Minister for Co-operatives and Social Services (Mr. Ngala): In your place, Kitui, for example. These young people should learn to change their attitude and learn to work with their hands and they should go to help their parents

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where they have land. Members, it is no use saying, "No" when the Kano Plains are empty and uncultivated, and when your own homes around the place are not looked after. Mr. Speaker, all that I am emphasizing is that parents must change the attitude, or help Government in changing the attitude of the pupils so that educated people can work with their hands. We have a wrong attitude that when we pass our degree, diploma, or when we get a Higher School Certificate, we cannot work with our hands. They must go back and be able to work with their hands. In other progressive countries this is what is done, even people with degrees can work with their hands, and in Kenya we cannot be different from the rest of the world. Therefore, Mr. Speaker, Sir, expansion of economy is being carried out by Government and the attitude of pupils should be changed, and parents can help a great deal in this.

We have shown, Mr. Speaker, Sir, in our development plan— If Members look at the education system in the development plan, they will see that the Government has developed, or is aiming at developing, much in the field of teacher training facilities and in the field of higher education. This alone is a very outstanding development aimed at by the Government. If the Members also look at the roads, expansion that is intended by Government, they will see the improvement which is intended by Government on roads, water and land. However we cannot, and I emphasize this that, nobody should give the impression that everybody must have a piece of land in Kenya, because it is not true. No country in the world has been able to give a piece of land to each of its citizens, and Kenya will not be different from other countries. There is no saying, "question" when you know very well that in your own district, where you have so many people, you cannot give a piece of land to each person. We are about ten million people in Kenya, and some people will have to live on something other than by directly depending on the land. This is a fact of life and has got to be taken by Members. Therefore, all the settlement development that Government is doing, is based on the resources of land available and it shall continue to be so. However, we will come to a point where citizens will have to take the fact and recognize it that we have to look for other means of living.

One Member of Opposition was talking about what Government has done in development around Kisumu and so on. I was very ashamed because I have gone round the place, especially

in the Kano plains itself where Government is giving plots for settlement and building permanent houses to people who would otherwise be squatters around Kano area. The Member of the Opposition knows it very well and so he cannot undermine the Government in these irrigation schemes that are going on there. In fact, Government has invested a lot of money in the constituencies of the Opposition Members. This must be given to Government as credit.

Mr. Speaker, Sir, if you visit Ahero, which is about 13 miles from Kisumu, you will see settlement schemes, irrigation schemes and new permanent houses which are put up by Government, as against the old grass-thatched dilapidated houses. Mr. Speaker, Sir, Government must be given credit where it has done something. Mr. Deputy Speaker, Sir, I would, therefore, like hon. Members to know that planning is choosing, and when the Minister for Finance has limited resources he has to choose and give priority according to the best interest of our country. This is what Government has done. Somebody has said here that he cannot get home because his constituency has a lot of rain, and so on. Mr. Deputy Speaker, Sir, immediately after his speech he came to me and asked for water pipes because his constituency has been dry for the last four years. I think that if we bring a problem to this House, it should be a true problem. We must not play to the galleries, we must be able to reason properly. I am not quarrelling with any Member of Parliament, but I am just showing that we must be realistic with money, planning, resources, and the expenditure. The Government has always emphasized the right things, land settlement, roads, education, unemployment and many others. However, unemployment will live with us for a long time because of its nature and because of the nature of our resources. This must be admitted by everybody. Regarding water, we have undertaken some projects. In the Recurrent Expenditure, hon. Members will see how Government has increased almost each item because we have envisaged the expansion in services.

With these few words Mr. Deputy Speaker, Sir, I beg to support the Minister.

Mr. Kanani: Mr. Deputy Speaker, Sir, I thank you for giving me this opportunity of making a few observations.

Everybody is thankful for the abolition of Sh. 2 per month or the Sh. 24 graduated personal tax per year. Everybody in the country is very happy about it. However, I have a problem in connexion with that. In some county councils, for example, Busia, the taxpayers who pay

[Mr. Kanani]

Sh. 24 make about 90 per cent of the taxpayers. How is the Ministry of Local Government going to help these county councils to carry on with their functions? What grant are they going to give?

We passed here that 50 per cent of the graduated personal tax of Nairobi City Council and Mombasa Municipal Council should be given to county councils, but we have not seen this done. The money has not been given to Busia; if it has been given to other county councils, then I do not know. We would like, Mr. Deputy Speaker, Sir, to know how the Minister for Local Government is going to show or encourage he county councils to have the initiative to raise their own money because county councils are facing a very difficult position as over 80 per cent of the money they collect goes for education alone, while other services are suffering. I would like to ask the Minister for Local Government to take over one of these important services.

Mr. Deputy Speaker, Sir, the Minister for Local Government is not listening while I am speaking, and yet I am particularly referring to him.

We would like the Ministry to take over one of the important services; he should either take over education—primary education—to be financed by the Ministry of Local Government, or take over health services. These two services are the most important services for our people in rural areas. Most of the county councils are unable to run these services properly, and we shall not be surprised to find that some of these county councils have been taken over by a commission. However, from past experience, the county councils which have been taken over by a commission have not been run properly. If this country does not encourage the local authority to run their own business and be healthy, then we do not know what we are crying for.

Mr. Deputy Speaker, Sir, the other point I would like to raise is about development. We hope that the Development Plan of 1969/70 will be spread all over the country equally. We people in Western Province have not been considered during the last Development Plan because there is nothing at all which has been developed in the Western Province. We have only been given promises, Mr. Deputy Speaker, Sir. There is no paper factory which we were promised. The promises are mere words; the factory is theoretical and exists nowhere. Its site has not even been surveyed and it is not known where it will be. Sir, we hear of a sugar factory in Mumias. This is just an experiment, and in this Chamber

we heard the Minister, when he was making his Budget Speech, say that the factory will flourish and will be developed.

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

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

There are 1,000 acres under cultivation. This is very little, Mr. Speaker. Therefore, we hope that in the next Development Plan, the Minister for Economic Planning and Development and other Ministers who have collective responsibilities will see that something that can be seen—something practical—should be put up in the Western Province. We are not satisfied, Mr. Speaker, Sir. When we shall go home for the general election what shall we tell our people? I still do not know because nothing has been done in that province. If we tell our people that the Government has done this or that for Western Province, and that if we are elected to go back we shall do this or that for them, it will be a lie. How shall we tell our people a lie again? Six years ago it was said that we were going to have a paper and pulp factory, which does not even now exist. The textile factory which was to be built in Busia was taken away by somebody; we do not know who. What for should we cultivate cotton? How can we encourage our people to plant more cotton when we have no textile industry? Mr. Speaker, Sir, we were promised from the beginning by this Government, in 1963, that the industry would be located near Busia.

I would like to make another point, and this is about loans. We say our people do not get enough loans. I have two or three people who have applied for loans but their loans have never been approved. It takes a very long time to process the applications of loans because they have to go through local trade officers and district commissioners before they reach Nairobi. Some people have never had any letters of acknowledgement. You find that when the people who are not indigenous people of the districts of the Western Province apply for loans, they get them easily. However, when the indigenous people apply for the loans, they are not given, and they even receive no reply. This is shocking, Mr. Speaker, Sir.

Sir, we are talking about development. We want the whole of Kenya to be developed equally, not some parts to be isolated and ignored while others are helped. This is not the spirit of *Harambee*. The spirit of *Harambee* is that everybody should pull together, everybody should benefit from the fruits of independence. We should not hear it, on the radio, being said in

[**Mr. Kanani**]

Nairobi, "*Harambee*" and yet we on the borders, in Busia, in Bungoma, in Tororo, still live as we were during the colonial times.

Mr. Speaker, Sir, we want development of roads, we want better communications. The Minister for Communications is here and we would like him to hear this. We would like the railway from Butere to be extended up to Bungoma, and another branch from Yala to go right up to Port Victoria. In this way we can transport cotton and other produce, as well as oranges, mangoes and other things. These things have no market because there are no roads. We have no good roads, we have no communication. Our postal services are very, very bad. A letter takes two or three days to get to Funyula, a very short distance of about 300 miles only. This is simply because there are no facilities. The Government has not turned its eyes towards the Western Province. We want, in the next development programme, the Government to turn its eyes towards us. We are Kanu supporters, strong Kanu supporters, and I assure this House that the Members from the Western Province will come back on a Kanu ticket. There is no doubt about this. We are not biased, we have no Kanu A and Kanu B in the Western Province. There is only one Kanu and we acknowledge Mzee Kenyatta, the President. Probably it is you in Tana River who have Kanu A and Kanu B because you have a lot of disputes there. We do not have any disputes—

Mr. Komora: On a point of order, Mr. Speaker, is the Member speaking in order to address me directly?

The Speaker (Mr. Slade): I think the hon. Member was only waving his arms in your direction, he was not meaning it personally.

Mr. Kanani: You are right, Mr. Speaker, I was just waving my arms in his direction, but I was not addressing him personally.

Mr. Speaker, we people in Bungoma and Busia Districts would like a teachers' college to be built in our area. All the other colleges are around Kisumu: we have Siriba which is near Kisumu, we have Kaimosi which is near Kisumu, we have Eregi which is also near Kisumu, we have Kisii near Kisumu, then there is the Kericho College which is also near Kisumu. Look at that. Is this really the spirit of *Harambee*? Is this development? We live over 100 miles from Kisumu. The only college we have, which is in Butere, is also threatened with closure and so, once again the students from there will have to go to Kaimosi, which, as I said, is near Kisumu. When we speak

of development, we would like everything to be distributed equally and evenly. This is why we fought for independence, as the Chief Whip says.

Mr. Speaker, when the President made his speech on Madaraka Day, he mentioned development of the rural areas. Our problems in the rural areas are caused by lack of water. Some of the people in the rural areas could raise more cash and food crops if water was available. There are some places which are arid, they do not have any rain, there are no streams nearby and people cannot inhabit such places. We hope that in the next Development Plan the rural areas will benefit more than the urban areas. We seem to see that development, economic development, is based in Nairobi and in the big towns of Kenya: around Nairobi, Thika, Mombasa and Nakuru. What about Kakamega? If you go to Kakamega, Sir, you will not think it is the provincial headquarters. There are no developments, no buildings. When I went to school about 30 years ago—for the first time—Kakamega was then as it is today, and this is the same Kakamega I am seeing today after Kenya has attained independence. Mr. Speaker, Sir, I would like development of our provincial headquarters, big buildings, nice buildings, better housing and so on. I am being asked where is the money, but the money is here.

Another point I would like to make is in connexion with the Development Plan. We would like to say that the self-help projects are very much appreciated by the people, but the Government does not give enough funds, enough support to help these projects. People are encouraged and they do the work. They are told, "If you help yourself, the Government will help you." The people help themselves but not much, at all, is given by the Government. For example, Sir, the amount of money given to Busia this year for development is only Sh. 42,000. If you divide this amount among six locations, what do you get? It will be very little. Worse still, Mr. Speaker, Sir, when the self-help projects are completed, they are not used. For example, Sir, in some clinics there are no medicines. I have one in my area which the Minister for Social Services opened a little while ago, but there are no medicines there. How we can encourage people to build more, when the county councils have no money, and the budgets, when submitted, are not approved quickly?

With these few observations, Mr. Speaker, I beg to support the Budget Speech.

Mr. Komora: Mr. Speaker, Sir, I am grateful to you for having given me this opportunity so that I can also make a few observations on this Financial Statement. When I went home at the

[Mr. Komora]

weekend, Sir, I heard the local people we represent all over the Coast Province expressing their gratitude for the manner in which the Minister for Finance tabled his Budget. I, therefore, do not have any alternative but to join my friends in congratulating the Minister.

Mr. Speaker, Sir, the Minister for Social Services gave a few examples to the House, concerning economic expansion in the country. One example he gave was tourism. Sir, we do not have any quarrel with the big, big things that Government talks about, but there are those small things which appear to the Government to be small but to us they are very important; so the Government should think about both, the big and the small things.

One of them, Sir, is— This is the reason why the Minister has thought of increasing a bit of taxation this year. If it were not for that, if it were not for the losses we have had to incur on maize and wheat produce, I am sure we would be in the same position as we were last year.

Here, Sir, I have the *Kenya Weekly News* magazine dated the 23rd May 1969, from which I am going to make a few references. It appears to me, Sir, that these two crops, namely, maize and wheat, have become a problem and a headache to the Kenya farmers. A few years ago, when there was not sufficient maize in the country, the Government was forced to import maize from the United States into Kenya and the taxpayers suffered the loss of money in the process of buying the maize, transporting and distributing that maize all over the country. Then Government decided to campaign to the maize farmers all over the country so that they would grow more maize. Hence more maize was grown, but there was then no place to store this maize. Again the farmers had to suffer because they had to accept a lower price in order that some money could remain with the Government with which maize stores could be erected. We are still suffering from this.

With regard to wheat, at the request of the same Government people increased wheat production. Wheat has now been increased in the country. It is stated that by 31st December 1969, we shall have not only the wheat we need but we shall have a surplus of one million bags of 200 pounds each. This is correct. One million bags, maybe more. These are the figures mentioned by the experts of the wheat industry. Now, Sir, the Wheat Board will definitely be forced to sell this wheat. It is stated that the price paid to the wheat farmer is Sh. 45 per bag. It is also said that transport for that same bag of wheat, say, from Nakuru to

Mombasa, will cost the Government a total of Sh. 24. So, if we were to transport all those one million bags, then this country would be likely to suffer a loss of £1,200,000. So, Sir, the figure which the Minister feared, of £2 million of both maize and wheat, is not accurate; the figure will be higher, and there is every likelihood that the citizens of this country will have to suffer further.

Sir, if we have to incur losses and we do not see the price of wheat flour being reduced, we are only told the world market is not favourable and that is why we have to sell at low prices, then why do we not, as a Government, reduce the price of this wheat. So that when the consumer goes to the shops he finds that wheat flour is being sold at a lower price? In this way he will enjoy, and there is no reason why he should continue suffering all the time. In fact, Sir, the Manager of this Wheat Board said that if every Kenyan can consume one loaf of bread per week, this mess would be done away with. I do not see why that Wheat Board cannot campaign for the consumption of wheat in the country.

Mr. Speaker, Sir, it is stated on page 3 of this *Kenya Weekly News* magazine:—

“In view of the increased cost of producing wheat to the small farmer, and the expense of contract harvesting and so on, which the big grower does not face, it is questionable whether he could have been encouraged to grow wheat in the first place.”

But, Sir, Government is still going on appealing to farmers to grow more wheat, when we are threatened now with a surplus and we have to suffer for that surplus. If the farmers are to grow another crop, which is the crop they can grow?

I would suggest here that cotton has no problem of surplus in the world market, nor in the local markets. The cotton grown in this country is not even sufficient to feed all our industries. There is a big demand in the world market. It is good, therefore, to think in terms of giving these people a chance of growing cotton instead of wheat. If the land is unsuitable for cotton-growing in certain areas, then I would say that we have plenty of land in Kenya in such places as my district. This area has been proved, beyond any doubt, to be good for cotton-growing. In addition to this, there we have the biggest river in the Republic which will supply water for irrigation. Also, instead of losing £1 million, or £2 million a year, why do we not utilize the same money to develop that land. Instead of the water flowing into the Indian Ocean for nothing, why do we not utilize the same water to develop the land there, and get the farmers and the landless people who

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are suffering unnecessarily to that land so that they can produce cotton and do away with the losses we suffer from constantly.

Mr. Speaker, I think I shall be speaking on these things in greater detail when we come to the Vote of the Ministry of Agriculture.

I want to say something on the Flying Doctor Service. This is one of the best service we have received, medically, in the rural areas. We understand now that there is shortage of money to enable this service to continue. The Government has delayed very much, it has not released the money to enable that service to carry on. This is a threat to the people in the rural areas, the people who need and benefit from this service. I, therefore, wish to appeal to the Government to see to it that funds are available to this service so that it can continue as in the past. In this way, Sir, we, the people in the rural areas will continue to enjoy the services rendered by this service.

Another point I wish to mention is with regard to Kanu membership. We have been urged last week and this week, and I think this drive will continue, for Members of Parliament—and many others—to become life members. This is fair enough, but one thing I do not understand is this. The same Kanu which appeals for Members of Parliament to become life members of the party is the same party which is supporting some local people to pay only Sh. 17 per year. I do not say that is nothing, but I feel that the person who pays more should have greater party participation. We see, Sir, that some people are causing trouble in small branches. I am told this is supported by the Minister in charge of provincial administration, the Attorney-General and so on. These people have their support and they are allowed to cause misunderstandings in the branches. Tana River is one, Sir. Imagine, Sir, we held our elections—

The Assistant Minister for Finance (Mr. Balala): On a point of order, Mr. Speaker, is this question of troubles in Kanu district branches relevant to the debate?

The Speaker (Mr. Slade): I was just about to say to the hon. Member that the internal problems of a party are not relevant to a debate on the Financial Statement.

Mr. Komora: I thank you, Sir, for your ruling. I am sure I shall find an occasion when I shall air these views.

Mr. Speaker, I would wish to touch on agriculture and irrigation. We, in Tana River, feel that the Government arrangement in placing rice growing in Mwea, and cotton growing in Galole,

is wrong. This is because, naturally, the Pokomo, as the Tana River inhabitants, are rice growers and rice consumers, and the natural crop for them to grow, therefore, would be rice. A normal Kikuyu does not eat rice and, in fact, they are more interested in cash crops. We get cash and food from rice and I think the correct arrangement should be that Galole Irrigation should grow rice and the Mwea Irrigation rice should grow cotton. These people have plenty of cash crops and food crops and they do not suffer from floods and we do. Many of the crops we grow in Tana River are affected by floods and rice is not. If the schemes were arranged in the other way I think they would go better than the present arrangement we have.

Therefore, Mr. Speaker, with these few remarks I wish to support the Minister.

Mr. Munyasia: Thank you, Mr. Speaker, for giving me this opportunity to express my views on this fine Budget. I have no quarrel with the Budget, but I have to make a few comments on various Ministries.

Mr. Speaker, Sir, time and time again we have been told that we must get unity between the Administration and the public. I think this is very well, but I think there is something fishy there and the Minister responsible for the Administration should watch very carefully that whatever he tells this House is put into practice. The Member for Butere has indicated this so clearly, and papers were placed here. The other day, Mr. Speaker, Sir, you will remember that I presented my question about the sub-chiefs and the way they treat the public. Therefore, I think the Minister responsible should come out in his true colours and try to scrutinize his staff. It is pointless to preach unity; we are seeking unity, and there is no unity.

Mr. Speaker, Sir, the hon. Okuto-Bala is not here, but he challenged the Government and said the Government has just given this reduction of Sh. 24 because the election is near. I think this is a wrong statement. I see throughout the country that people are very happy because of this Sh. 24. However, there is one question that I do not know how the assessment will be done, for one simple reason that in the past those people who were paying Sh. 48 or Sh. 24 were badly assessed. I think the Government must go into this matter and see that there is no nepotism and no brotherization on this so that the poor fellows who are not relations of the sub-chiefs are not left out of this favour. If we are assessed on a country-wide basis, I do not think it is properly done. Therefore, I think the Government should see that

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there is a fair assessment of the graduated personal tax, otherwise there will be chaos in the country.

Mr. Speaker, Sir, the hon. Okuto-Bala also said that the Government has done nothing, but I think that is a bad statement. Since independence the Government has not done very much, but I think it has done something. The Kanu Government has done something for the country and it is no good saying that nothing has been done by the present Government because it has not embarked on its manifesto by giving free education. I do not think he knows how much it would cost the Government or the Republic to run free education. Free education is not something to be joked about because even today, the exercise books and the text books cost money. I do not know whether the hon. Gentleman understands how much it will cost the Government if it tries to embark on free education.

Mr. Ondiek-Chillo: What are you trying to say?

Mr. Munyasia: Mr. Speaker, I am saying that the time has not yet arrived for free education. Perhaps when you form the Government—Although, I think that is a dream because I do not think you are ever going to form a government.

Mr. Speaker, Sir, the Opposition takes this opportunity of challenging the Government and saying "When we form the Government". The country, I think, has arrived at state where we should seek the truth, and where we should not lie to the people but should tell them the truth. It is a dream for the Opposition to think that one day they will form a government. Kanu will still maintain the same Government; Kanu will be returned and it will form the Government, and that must be known by the Opposition.

Mr. Speaker, Sir, putting that aside, I think I had better touch on a few of the Ministries.

Now, Mr. Speaker, may I turn to the Ministry of Commerce and Industry. As some hon. Members have expressed the opinion, I think also that the Minister for Commerce and Industry should see that there is no nepotism on the loans. Also, they should see that those members of the Asian community who do not qualify should leave the country. I think he must have a thorough check. I remember very well that some few months back the Provincial Commissioner of the Eastern Province did announce over the radio that 23 Asians were to leave Kitui District. However, up to the present moment I do not know how many have left because the same fellows, the same faces, are still maintaining the trade. Whether this statement

was a laughing statement or not I do not know. I fail to understand why, out of the 23 who were to leave, six have been reinstated and I do not know how they were reinstated. This is a shame for the people of Kitui and I think the people of the area are prepared to take over the business. There is no question of us being told that the Africans are not capable of running business because we know they are capable. You cannot challenge someone unless you give him the opportunity, and then if he fails you can say, "I let you do this and yet you failed". However, unless you give him this first attempt, how on earth can you challenge him?

Mr. Speaker, Sir, there is another Ministry which is very interesting, and that is the Ministry of Health. I know the Minister and I would like him to listen to me very carefully. The Ministry of Health is doing all it can to see that the country is running smoothly and the facilities in the hospitals are provided. I want the Minister, when he can, to give clarification on this point. Mr. Speaker, at present, in Kitui District Hospital, the subordinate staff cannot be employed unless the provincial commissioner gives his consent. I fail to understand whether the provincial commissioner is the one to give the consent, or whether it is the provincial medical officer of health. If not, what is the use of having the provincial medical officer of health? We have vacancies at the moment for subordinate staff, and yet the doctor says that the provincial commissioner has not given his "O.K." to employing the subordinate staff, but this is not the provincial medical officer of health. I think this is the wrong procedure. The provincial commissioner is purely an administrator and I do not know how he comes to be the Government appointed appointer of subordinate staff in the hospital. I think that must be put right. At he moment we are lacking some staff, and there are vacancies. I think the Minister for Health should do something to see that it is not the provincial commissioner who approves the appointment of subordinate staff, but the provincial medical officer of health.

Mr. Speaker, Sir, if I may, I will give a warning to the Minister that I think we have gone astray on these self-help projects. In this Ministry, I think the Minister is being over-ridden by the Administration because the Minister is there to plan what is the next project, and you find the Minister has got a plan and at the same time the Administration is also planning for the same Ministry. The people fail to understand who is who and who they should believe. If it is a plan sponsored by the Government, it should be planned by the Minister for Health, but an administrator

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should not plan and embark on the health side and say, "All right, I want this to be done here" without consulting the Minister. I think this is the wrong approach.

Mr. Speaker, Sir, leaving that aside, I now come to the side of agriculture. The Member for Kilifi, the hon. Ronald Ngala, said that the school-leavers and what not should go back to the land and till the land. All the people are tired of this slogan "Go back to the land", although it sounds very good. People have the responsibility of going back to the land, but what is the outcome when those people have gone back to the land? Mr. Speaker, you find that after tilling the land, and after planting their crops, the prices given are very poor indeed: a bag of sorghum, of 200 pounds, is Sh. 5. Who is going to accept this? Even a chicken, a *kuku*, is worth that. If you go to the fish and chip shop here, you buy a chicken for Sh. 10 and yet you only get Sh. 5 for 200 pounds of sorghum. What is the use of telling these people to go back to the land? That, to me, is an exploitation because people should not sweat for nothing, or if they are not going to benefit.

Mr. Speaker, Sir while agreeing with this call, I think that Government should see, when people respond to this call to go back to the land, that the prices are reasonable. If a bag of maize fetched about Sh. 20 or Sh. 25, that would be encouraging; but a bag of maize of 200 pounds, being sold at Sh. 8, is wrong, Mr. Speaker. In some of the rural areas, an acre cannot produce more than three bags. Forget about the western area where rain is continuous; I am talking about the rural areas where we have dry places and the rain is only there sometimes, and that is where an acre only produces three bags of maize. If a farmer has got two acres, and he sows maize—or sorghum, for that matter—then he gets six bags of maize or sorghum. If you multiply that by Sh. 5, you find that he gets Sh. 30, and that is what a goat is worth. Therefore, what is the point of preaching to the people that they should go back to the land? There is no point. I would suggest that the Government should think how they can list these prices so that the farmers who have gone back to the land do benefit from what they have planted.

Mr. Speaker, Sir, while on this Ministry, I would like to say that the people have been told to launch a campaign for cotton-growing in the rural areas, in those dry areas, for instance, Kitui. We have formed the Kitui Cotton Growers Society, but the Ministry this year—although this society is registered—has refused that the co-

operative society should buy this year's crop. The Government has agreed that an Asian should buy it, but this very Asian has been there since 1939; he does not cultivate, he does not till the land, he does not sweat, but he waits for the farmers to till the land, harvest, transport the cotton to the ginnery and then he gets the benefit free of charge. I think it is high time the Ministry of Agriculture—and I think my hon. friend here, the Assistant Minister, will convey this to the Minister for Agriculture—saw fit that the people of this society were given the opportunity this year to buy the cotton. The Ministry has said that because of the failure of another ginnery in the western region, this should be so. We in the eastern region are being penalized because people in the western region failed to run their society for buying cotton. Why are we not given the opportunity and the chance to buy and see whether we fail? You cannot punish someone who is not the offender; you cannot punish Munyasia simply because Tsalwa has committed an offence. This is wrong.

An hon. Member: Have you got money?

Mr. Munyasia: Yes, we have the money, we have plenty of money here in Nairobi and also in Kitui.

Therefore, Mr. Speaker, Sir, I think it is very discouraging and the people have arrived at the stage when they are not going to plant cotton. They are not going to do it because, why should they do it when someone else benefits from it?

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

Mr. Ondiek-Chillo: Mr. Speaker, before I go into the heart of my speech I would like to say that I am very surprised to see that the hon. Member who has just spoken is very confused. Mr. Speaker, he is so confused that by saying that Kanu will stay in power forever, he is, at the same time, criticizing the President of the party which he is advocating will remain in power forever. This was confusion. May I take this opportunity to tell him that in the last election we came to his aid, but this time, now that he is going to stand on his own, he will have to look out.

Mr. Speaker, the hon. Member has just said that implementation of free education promise will result in difficulties and as such we should not talk about that promise. This is confusing, and, in fact, I could not understand what he was talking about. If this was in the Kanu Manifesto, is he actually speaking on behalf of the President who wrote the Manifesto, or is he trying to speak his own words? This is causing

The Speaker (Mr. Slade): There is no obligation for him to withdraw. He has explained why he said this.

Mr. Ondiek-Chillo: He said he——

Hon. Members: No.

The Speaker (Mr. Slade): You have explained. You carry on with your speech.

Mr. Ondiek-Chillo: Mr. Speaker, while you are speaking to me and this confused Member here is actually interfering, could he let me hear what you are asking me to say?

The Speaker (Mr. Slade): I am saying you should continue your speech. You have explained what you did say.

Mr. Ondiek-Chillo: Mr. Speaker, what I was trying to say is that when recruitment takes place, and when there is a programme for recruiting people into the police force or the army, this should be extended to all districts, but if some districts are not considered, this is unfair, and, Mr. Speaker, this cannot be tolerated. The money these people are going to consume comes from the pockets of people of different tribes. The idea of discriminating against some areas, and considering others as the best to recruit from, is a poor one and should not be entertained.

Now, Mr. Speaker, the other point I would like to talk about is medical attention. Here, Mr. Speaker, you find the expectant mothers,

when they go to deliver, are asked to pay maternity fees. This is wrong because when the President said there would be free medical attention for the people of this country, then the women should be included. I do not see why the women should be treated differently in that when they go to the hospitals for delivery they are asked to pay maternity fees. Mr. Speaker, this is unfair. At the same time you find the women teachers, when on maternity leave, are not given any salary, when this is the time the mother should be given something to enable her to have enough food at that crucial time. You find this is the time they are not given anything, and at the same time they are asked to pay maternity fees. This is unfair, Mr. Speaker, and I feel this is treating women differently from others as far as medical treatment is concerned.

ADJOURNMENT

The Speaker (Mr. Slade): Mr. Chillo, I am afraid there will not be time for you to complete your speech this evening, but you might like to have another four minutes when we resume the debate.

We have just consumed, I think, three hours now, and we are long past the ordinary time for interruption of business, so the House is now adjourned until tomorrow, Thursday, 26th June, at 2.30 p.m.

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

[Mr. Ondiek-Chillo]

confusion and I hope in the primary elections for Kanu such confused Members will not be considered by their Party. In fact, he is no worthy of consideration and should be discarded, Mr. Speaker.

A Member who stands up and says things are difficult, things which have been planned are difficult for him, and when you meet him outside he tells you things cannot be implemented overnight. When is the overnight? This is like saying that you cannot bring forth a child today and then tomorrow he walks. A child who was born in 1963, if he cannot walk now, is surely a cripple. Kanu, as a Party, is crippled and there is no question about this. Kanu is crippled and cannot walk. With the Kanu slogan of unity, we want unity which is productive, but we do not want unity which produces nothing. A unity of a husband and wife which produces children is a unity worthwhile considering; but if it is a unity which brings forth nothing, then you must consider marrying another wife in order to have children. Where are the children we expected to be born by the Kanu Government? Where is the education? Where is this free medical attention we were promised? This is a child which should have been born.

Mr. Speaker, I believe that the confused hon. Member who has just spoken, if free education was introduced tomorrow I believe it is his children who would appear in the school at 7 a.m. Today, when we are advocating for this, he feels that what we are saying is not worthwhile considering.

Mr. Godia: On a point of order, Mr. Speaker, although I do not like interfering with the hon. Member who is speaking, do you think the hon. Member is in order when he refers to the other hon. Member as the confused Member?

The Speaker (Mr. Slade): That is not an unparliamentary comment on another Member's speech.

Mr. Ondiek-Chillo: Mr. Speaker, I thought I had explained myself—

Hon. Members: You are wrong.

Mr. Ondiek-Chillo: Mr. Speaker, I thought I explained as to why I said this, and even the Member himself was satisfied because he never queried this.

Mr. Mumyasia: On a point of order, Mr. Speaker, I am seeking your guidance. I did not intend to accept the challenge, but I was going to stand on my feet and query him when he said I was confused, but the hon. Godia stood before I did. Is he right to say I was satisfied?

The Speaker (Mr. Slade): I doubt it.

Mr. Ondiek-Chillo: Now, Mr. Speaker, I believe the Member was sincere in saying the people are tired of the slogan "go back to the land", but whose slogan is this? Is it not the slogan of the President whom he is supporting and at the same time challenging? Is this not confusion? If he is actually supporting what the President said about this slogan of "go back to the land", then he should support it wholeheartedly and without any question.

Mr. Speaker, I am leaving that point now. The Minister for Finance is asking the House for an amount of money to be spent by the country; but if I may, I want to say that this idea of discriminating against some other tribes as far as recruitment of people into the armed forces and the police is concerned is very bad. Everybody in this country is a taxpayer, and the money they are paying should be enjoyed by people of all tribes. The idea of thinking that the Luo at present appear to be a security risk; as the Vice-President told me in an answer to a question the other day, is a very wrong assumption.

Mr. Omar: On a point of order, Mr. Speaker, is the Member speaking trying to mislead the House by saying the Vice-President answered his question by saying the Luo are a security risk in the country? Is he not misleading the House?

The Speaker (Mr. Slade): I am sure he is not trying to mislead the House. He may be wrong in his facts on what the Vice-President said. I cannot remember, I am afraid. I rather think there was a suggestion of that kind in what he said. Perhaps the hon. Member has seen more in what the Vice-President said than what he really did say.

Mr. Ondiek-Chillo: Mr. Speaker, I put a question in the House which asked the Government why the people from Nyanza had not been recruited into the army and the police force for the last two years. The Vice-President, when he was answering my question, said that the Government has considered that for security reasons. If it is for security reasons, is it not true that the Luo are now being considered as a security risk?

Hon. Members: No.

The Speaker (Mr. Slade): Hon. Members you see that is what happens sometimes. It was not a direct statement by the Vice-President, but it is a deduction, and not an unreasonable deduction, by the hon. Member from what the Vice-President did say. I think we will let him carry on.

Hon. Members: Substantiate.

Mr. Ondiek-Chillo: Mr. Speaker—

An hon. Member: Will you withdraw?

Mr. Mbogoh: On a point of order, Mr. Speaker, the Minister has made a very serious allegation that he has evidence of things which he wants to conceal in regard to the hon. Munyasia's friend. In such circumstances, would it not be in order if he laid that answer on the Table, and then it could be circulated to the Members and not to the public?

The Speaker (Mr. Slade): No, we cannot normally treat documents laid on the Table as private property. They really become public property by being laid on the Table, though I have asked in very special cases, like the Report of the Committee of Privileges, for the report to be treated as confidential for a limited period. In this case, I would say that the best solution is for Mr. Munyasia to seek privately from the Minister the information that he has, and to make it known to other Members of the House at his discretion.

Question No. 294

EVICIONS FROM SETTLEMENT SCHEMES

Mr. Barasa asked the Minister for Lands and Settlement to state why the following settlers had been evicted from their settlement plots without being taken to a court of justice:—

- (a) Wanyama Masinde, Plot No. 123 in Kabuyefwe Scheme;
- (b) Jeremiah Mbako, Plot No. 137 in Kibisi Settlement Scheme.
- (c) Musa Matere, Plot No. 202 in Kamukuywa Scheme.

The Assistant Minister for Lands and Settlement (Mr. Malinda): Mr. Speaker, Sir, I beg to give the following reply. The settlers named in the Question were evicted from their plots because they were chronic loan defaulters. By virtue of section 174 (3) of the Agriculture (Amendment) Act, 1965, if any sum of money, whether principal or interest, due in respect of any advance made is unpaid for more than six months, the Settlement Fund Trustees are empowered to evict chronic defaulters without recourse to any court. Before such action is taken, however, each case must be fully considered by the Sifting Committee.

On this occasion, on the 26th February last, the Sifting Committee recommended 15 chronic defaulters for immediate eviction. The three evictees in the question were included.

Mr. Barasa: Mr. Speaker, Sir, according to the answer, I understand that they have been chronic defaulters, and that these people have been

evicted: they are living by the roadside. They have no other place to go; their children are now out of schools, and still all these people are not allowed to go back and get any food from their land. Now, Mr. Speaker, I would like to know whether the Assistant Minister would accept money from these people because they are helpless and the co-operative society is ready to give them money so that they go back to their pieces of land. Is he ready to accept the money?

An hon. Member: Accept the money.

Mr. Malinda: Mr. Speaker, provided the plots which they occupied have not been re-allocated, this can be arranged. However, Mr. Speaker, I would like to point out to the hon. Member, that the question of family commitments should make it all the more necessary for the settlers to bide by their letters of allotment in that they must pay their loans in time.

Mr. Godia: Mr. Speaker, Sir, arising out of the answer from the Assistant Minister to the effect that the Committee considered their case, could he tell the House what the case of each one of these gentlemen was, and how much each owed to the Settlement Fund Trustees?

Mr. Malinda: Mr. Speaker, the figures were— at the time of the Sifting Committee—Mr. Wanyama Masinde, who occupied plot No. 123 in Kabuyefwe, owed the Settlement Fund Trustees a sum of Sh. 3,949; Mr. Jeremiah Mbako, who occupied plot No. 137 at Kibisi Settlement Scheme, owed Sh. 1,887; Mr. Musa Matere, who occupied plot No. 202 Kamukuywe Settlement Scheme, owed Sh. 2,401.

The Speaker (Mr. Slade): Next question.

NOTICE OF MOTION FOR THE
ADJOURNMENT

MATTER OF REPLY TO QUESTION NO. 294:
EVICIONS FROM SETTLEMENT SCHEMES

Mr. Godia: On a point of order, Mr. Speaker, with the permission of the Questioner, may I be allowed to raise this question on the Adjournment?

Mr. Barasa: I give him consent, Sir.

Question No. 263

C.P.E. REPEATS IN KISII

Mr. Kebaso asked the Minister for Education if he would tell the House whether, in view of letters recently produced by the Minister to show that Gusii County Council members, in co-operation with Kenya National Union of Teachers, Kisii Branch, deliberately encouraged

Thursday, 26th June 1969

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

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

PRAYERS**ORAL ANSWERS TO QUESTIONS***Question No. 253***CONSTRUCTION OF BRIDGE ON KITUI/KIBWEZI ROAD OVER ATHI RIVER**

Mr. Mbai asked the Minister for Works to state what progress had been made so far in construction of a bridge over the Athi River on the Kitui/Kibwezi Road.

The Minister for Works (Mr. Mwanyumba): Mr. Speaker, Sir, the following is the reply. To date, both abutments have been completed, one-and-a-half piers completed, and one reinforced concrete bridge span has been cast and completed. Work is now in progress on the construction of a coffer dam in the river to enable a piling rig to be set in position to drive the piles for the remaining two pier foundations.

Mr. Mbai: Mr. Speaker, Sir, arising from that reply, would the Minister tell us what was the estimated period for this work to take initially?

Mr. Mwanyumba: Mr. Speaker, Sir, I did not quite catch the Member's question, but—

An hon. Member: How long will it take?

Mr. Mwanyumba:—if he is asking about the time which will be taken to finish the work, I can tell him that we have had some difficulties because of the high level of the river which is now flooded. We think that when the floods recede, work will start immediately, and will be completed.

Mr. Mwalwa: Mr. Speaker, Sir, in view of the fact that this river becomes very dangerous during the rains, and in view of the fact that so far the work has been very slow, would the Minister assure this House that the work is going to be completed before the next rains start?

Mr. Mwanyumba: I would not like to give that assurance, Mr. Speaker, but I have said that immediately conditions are favourable for our workers to do this job—because now it is dangerous to work in a flooded river—work will begin. If there are no floods, we hope to finish it as soon as possible.

*Question No. 254***TARMAC FOR KITUI/KIBWEZI ROAD**

Mr. Mbai asked the Minister for Works to state for how many miles the Ministry intended to tarmac from Kibwezi towards Kitui on the Kitui/Kibwezi Road.

The Minister for Works (Mr. Mwanyumba): Mr. Speaker, Sir, there is no intention to bitumenize this section of the road at the moment.

Hon. Members: Why not?

Mr. Mbai: Mr. Speaker, Sir, arising from the reply from the Minister, and also noting the reply which I have been given here in writing, would he tell me when the last traffic census was carried out on this road which revealed the volume of the traffic on the road as being insufficient to warrant bitumenizing it?

Mr. Mwanyumba: I would not be able to give the date, Mr. Speaker, but the last time a traffic census was carried out, it showed that at present the traffic does not warrant the expenditure of public money to the extent of making this road up to bitumen standard.

*Question No 292***TERMINATION OF EMPLOYMENT OF MR. MUTISO WITH I.C.D.C.**

Mr. Munyasia asked the Minister for Labour to state—

(a) if the Minister was aware that on the 14th May 1969, Mr. P. K. Mutiso's service with the Industrial and Commercial Development Corporation had been terminated;

((b) what the reasons were for this termination.

The Minister for Labour (Mr. Mwendwa): Mr. Speaker, Sir, I beg to reply. (a) I am aware that the services of Mr. Mutiso with the Industrial and Commercial Development Corporation were terminated on the 14th May 1969.

(b) The reasons, I think, may be destructive to the man my hon. friend wants to protect if they were told to this House. If the hon. Member insists that I tell the House, I will, but I think they would jeopardize his chance of getting a job somewhere else.

Mr. Munyasia: Mr. Speaker, this question being so serious, I think the House would be interested if the Minister told us the reasons which led to this dismissal because—

Hon. Members: No, no.

Mr. Mwendwa: Mr. Speaker, I am doing this in the interests of the man whom my friend wants to protect. Since he is his friend, it is better that these things are hidden. I have them here, but they do not do any good to anybody.

The Speaker (Mr. Slade): Next question.

[Mr. Munoko]

Act. Under this Act, Mr. Speaker, section 17 (2), it lays down quite clearly that it empowers the commission to pay salaries on default of the local authorities, and such payments to be recovered from the local authorities by the Minister for Local Government.

The second part under section 17 (3) empowers the Minister for Local Government from time to time to make advances to the commission in order to ensure the commission is able to discharge its responsibilities as an employer of teachers. In this connexion, Mr. Speaker, the consent of the Treasury is required. I am sure this is the one aspect which the hon. Members have been referring to when saying that the Treasury is sitting on the consent. This matter is now being gone into. Mr. Speaker, hon. Members will recollect it was only yesterday when I said this matter was being discussed, and up to now the matter is still under discussion and we hope it will soon be finalized.

Mr. Speaker, the county council has to try and do its best to see all the services which they embark on are supported by the resources which they are able to muster. They cannot, Mr. Speaker, go round and make a lot of fuss about matters which they ought, legally, to look into on the spot.

I know, Mr. Speaker, Sir, the grants payable to the local authorities have been reduced. So far as South Nyanza is concerned, for 1968 it was £215,000; but this has been reduced to £199,000. This is true of all other local authorities.

Mr. Speaker, the matter is now being looked into and I hope something will be done to save the situation.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I only stand to support what the Assistant Minister has said.

If I were to try and find money when county councils go in default it would mean taxing people who are already properly taxed, who are honest and who pay their taxes. If a district refuses to pay tax, this is very unfortunate. My ambition has always been for the country to be taxed leniently, and just try and collect the money which we actually need. Whatever we can collect we should try and distribute evenly. I understand, as the Assistant Minister has just said, money has not been paid. Graduated personal tax is not being paid. I am glad to hear the school fees have done pretty well. They are only short of about £50,000, but that is quite a lot of money.

My feeling is that the Assistant Minister has definitely promised this question is being looked

into, and in looking into the question all the other things must play a part. It is in this way we could be looked upon as being fair.

Thank you very much, Mr. Speaker.

Mr. Kibuga: Mr. Speaker, Sir, I appreciate what the Assistant Minister has said, and also the Minister for Finance, that the South Nyanza County Council has to pay the graduated personal tax properly. I agree with this, but what we are now concerned with is the question of our teachers and the children. In the Teachers' Service Commission Bill, which has now become an Act, it was promised in giving the teachers one employer the purpose was to see the teachers were paid their monthly salaries at the right time. We now find that the teachers in South Nyanza have not been paid.

If the citizens of South Nyanza refuse to pay their graduated personal tax, then the people to be punished should not be the teachers but the people themselves, and not the children. I would suggest that instead of the Ministry of Local Government waiting until one county council is in difficulties, and then going to the Treasury to look for this money, there should be a ready fund whereby when it comes to the question of paying teachers, the teachers would be paid immediately and then the county council would be followed up. If the South Nyanza people refuse to pay their graduated personal tax properly, at the beginning of the year some of the services should be cut. Instead of refusing to pay the teachers some of the teachers should be transferred to other counties which are paying their teachers properly, or who are raising their taxes properly.

To leave the teachers and the children to suffer is very bad indeed. So far the Assistant Minister has not told us what will happen. The teachers are on a sit-down strike, and this is serious. The Minister and Assistant Minister have not told us what they are going to do about this. If they were to tell the people of South Nyanza that because they have failed to pay their graduated personal tax the teachers will be taken away, that would be a different position. The children of South Nyanza have to be educated.

In finishing, Mr. Speaker, Sir, I would appeal to the hon. Member who has raised this question, hon. Ngala-Abok, together with the other Members from South Nyanza, and all the councillors there, to go round the county area talking to the citizens and persuading them to pay their graduated personal tax properly. I would not like all the money to go to South Nyanza, but I would like some to come to Kirinyaga, and to other

[Mr. Omweri]

is any problem that the Government is facing now in releasing that money, we should be told here. According to what we were told last week, there is no problem except that the Treasury is sitting on the application.

Mr. Speaker, Sir, one point which I want to mention is that if this situation continues, and the children are left to suffer for a long time, then it should be possible for us to demand that the children, especially those in Standard VII, who should have been preparing themselves, during this time, so as to be ready for the examination next term should not be made to suffer. The certificate of Primary Education examination should be postponed so as to compensate for the days lost. In this case, Mr. Speaker, the Government should take the matter very seriously because we cannot have the children suffering under the disguise that it is the responsibility of the South Nyanza taxpayers. It is not a question of tax. If you go and get the records, you will see that these people have paid their comparative share. The percentage paid, if the Government had to match that, they would not have a problem in May; they might probably have a problem in September but not so early. This we want the Government to match and therefore make it possible for the county council to run its affairs and make our children, and the public at large, enjoy the facilities given by the Government rather than deny these people through the refusal to pay this money from Nairobi.

If there is no grant—I see the Minister for Finance looking at me—I suggest that we give them a loan so that we assist them. The money is here; we saw in the Estimates that there is plenty of money. Therefore, we had better give them a loan, if this is possible.

Mr. Speaker, Sir, I beg to support very strongly, and second.

(Question proposed)

The Assistant Minister for Local Government (Mr. Munoko): Mr. Speaker, Sir, I share the anxiety of the hon. Member who has moved this Motion about the children who are now not getting their education, as they have already paid their fees and the rest of it. However, Mr. Speaker, as I said yesterday, the grants payable to the South Nyanza County Council for 1969 are £199,150. Out of this they have already been paid the amount due to them for the first half of this year, which is £99,575. The grants which are due and payable to this council, as at present, are already paid and the Council cannot, at this juncture, say that they had any money outstanding which should be paid by the Government.

Mr. Speaker, on the contrary, the council has a debt to the Government to the tune of nearly £270,000. Between £32,000 and £35,000 is in the form of school equipment which has been supplied and the council has yet to pay for it. The other amount is £37,000, which is in respect of reimbursements for health staff, together with other staff which have been seconded. On top of that there is £12,750 which is due to the Government in the form of loan charges which should have been paid but which have not been paid. On top of that the Government has made loan grants from the Local Government Loans Authority to the tune of £185,945.

An hon. Member: Too many loans.

The Assistant Minister for Local Government (Mr. Munoko): Mr. Speaker, the hon. Member may say too many loans, but this is one of the points which has been made by one of the hon. Members—I think it was the hon. Mr. Omweri—who said that they should be given a loan if there are no grants to be given. However, the hon. Member should realize that a loan is not a gift and it has to be repaid. The main sources of revenue open to most of the local councils can be classified into three categories. The first one is in the form of graduated personal tax, and as far as South Nyanza County Council is concerned, it has estimated a revenue of £140,000, of which only £30,000 has been collected as at the 31st May 1969.

Mr. Shikuku: They want free things, that is all.

The Assistant Minister for Local Government (Mr. Munoko): Mr. Speaker, Sir, the next item of revenue is school fees. In their estimates they have £156,000, out of this £103,000 has been collected leaving a balance of £53,000 to be collected.

Mr. Speaker, the third source of revenue is Government grants, and, as I have already indicated, the full amount has already been paid. Mr. Speaker, the best way which is now open to South Nyanza County Council to obtain revenue is for them to collect the graduated personal tax which is still outstanding and, also, Mr. Speaker, they should collect the fees. In this respect, Mr. Speaker, I must be quite fair to the county council, the administration is responsible for the collection of graduated personal tax, and I would very much like to see the Administration tighten up on ways by which it can have this money collected as soon as possible in order to remedy this situation.

Mr. Speaker, the only other way now open, in which perhaps the Government could help, and I am sure it is going to help, is as laid down in section 17 of the Teachers' Service Commission

Mr. Ndile: Mr. Speaker, Sir, I beg to ask the Vice-President and the Minister for Home Affairs the following Question by Private Notice.

In view of the constant trouble caused by Kanu Mombasa groups, which threaten peace and security in the area, what steps does the Government intend to take to bring unity among people in Mombasa?

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply. The Government is well aware that, occasionally, certain differences do arise amongst the party officials in various places, Mombasa Kanu branch being included. It is, however, up to the party leaders to sort them out in accordance with the Constitution.

It is not the intention of the Government to intervene in political squabbles, but if anyone tries to take the law into his own hands, the police will deal with him accordingly.

The security situation at Mombasa is being watched, but, so far, there is nothing to indicate that any community is threatening peace as the hon. Member has suggested.

Mr. Ndile: Mr. Speaker, Sir, may I know from the Minister who authorized the registration of that Union by Maalim Juma?

The Speaker (Mr. Slade): Order! I do not think that is relevant.

Mr. Obok: On a point of order, Mr. Speaker, Sir, did I hear Mr. Jahazi shouting at the hon. Mr. Ndile to shut up? He shouted "stupid" I am sorry. He did say he is stupid.

The Speaker (Mr. Slade): I hope not. I did not hear him.

Mr. Shikuku: I am asking a supplementary question, Sir. Arising from the reply given by the Minister that there is no threat to peace, is he aware that the other day, I read in the *East African Standard* where it was stated that—

Could you bring the hon. Arab to order, Mr. Speaker, Sir?

Mr. Omar: On a point of order, Mr. Speaker, Sir, could the hon. Shikuku tell us who is the hon. Arab here?

The Speaker (Mr. Slade): It was quite clear when he pointed his finger. The hon. Member so described did not seem to object.

Mr. Omar: Mr. Speaker, Sir, I do not yet know who the hon. Arab here is. Would he therefore tell us please, although the hon.—

The Speaker (Mr. Slade): Order! Do not be tiresome, Mr. Omar. Let us get on.

Mr. Shikuku: Thank you, Mr. Speaker, Sir. Arising from the previous reply from the Minister for Home Affairs to the effect that he does not think that there is any danger at all as far as security is concerned at the Coast, is he aware that the other day, I read in the *East African Standard* to the effect that some people tried to set fire to the hon. Mr. Balala's car, and that the Mayor of that place was threatening to retaliate. What does "retaliation" mean? Does it not mean violence and is that not a threat to peace?

Mr. arap Moi: I would like to assure the hon. Member that whatever is being said by the newspapers is not what the Government does, nor are we worried by what the newspapers say, because the newspapermen would like to have their newspapers sold and, in this matter, I am now considering some of the writings in the newspapers—not only here, but even overseas—because of the incitement which is being brought about by these trivial matters, which are not of great importance.

Mr. ole Lemein: Mr. Speaker, Sir, will the Vice-President tell us, because there are two parties in Mombasa one is Maalim Juma's party and then, the first one, which one is registered officially?

The Speaker (Mr. Slade): Hon. Members, this question relates to peace and security at Mombasa, and that is all we are justified in considering in this House. Only further questions on that subject can be allowed.

Mr. Obok: Mr. Speaker, Sir, arising from the last reply from the Vice-President, is it not true that an attempt was made to set on fire Mr. Balala's car and, if that is so, is it not a threat to peace? Will the Vice-President be prepared freely tell this House what that means. Is that not a threat to peace?

Mr. arap Moi: Mr. Speaker, Sir, Mr. Luke Obok has made a remark which I disagree with, namely; that an attempt was made. If I ask him to prove that there was such an attempt, could he do so? There was a suggestion that there might be some squabbles about those who say that some of their property might be damaged, but the police have the situation under control, and therefore, as I said before, Mr. Speaker, Sir, there is nothing which suggests the peace within the area was being threatened and the Government is watching the situation all the time.

Mr. Omweri: Mr. Speaker, Sir, arising from that last reply, would the Vice-President also, rather than ask that we prove, confirm that the car of the hon. Balala, which it was threatened would

Mr. Sijeyo: On a point of order, Mr. Speaker, if I remember correctly Mwangi and Maina is an age group which was formed by the hon. Kenyatta, His Excellency the President, the hon. Harry Thuku, and the hon. Jesse Kariuki, about 40 years ago, so was the Attorney-General given consent by the three veteran politicians to ban this organization?

Mr. C. Njonjo: Mr. Speaker, I speak out of ignorance because I know nothing about these societies called Mwangi and Maina—I do not know what they mean—but I can assure the hon. Member, my friend, that the President is not a member of this society.

The Speaker (Mr. Slade): We will go on to the Question by Private Notice.

NOTICE OF MOTION FOR THE ADJOURNMENT

MATTER OF REPLY TO QUESTION NO. 296:
BANNING OF MWANGI/MAINA ASSOCIATION

Mr. Gikunju: On a point of order, Mr. Speaker, if I am allowed by my hon. friend, I would like to move this on an Adjournment Motion.

Mr. Kibuga: I have no objection, Mr. Speaker, especially when I know that every Kikuyu either belongs to Mwangi or Maina.

Mr. Shikuku: On a point of order, Mr. Speaker, now that it is evident that this is a question of Kikuyu business, would it be in order for us to get involved when we do not know anything about either Mwangi or Maina, or Gikunju for that matter?

The Speaker (Mr. Slade): That is not a point of order.

We will go on now to the Question by Private Notice.

Mr. Komora: Mr. Speaker, Sir, on a point of order, I understand that Question No. 299 has not been asked.

The Speaker (Mr. Slade): Thank you very much, you are quite right. We will go on to that now.

Question No. 299

TANA RIVER NORTH IRRIGATION SCHEME

Mr. Wakole asked the Minister for Agriculture if he would tell the House, since there had been quite good progress and an improvement in the Tana River North Irrigation Scheme and that the number of people wanting to join the scheme as tenants was increasing, would the Minister consider expanding this scheme so as to accommodate more people.

The Assistant Minister for Agriculture (Mr. Murgor): Mr. Speaker, Sir, I beg to reply. In collaboration with the Netherlands technical assistance team stationed at Galole, we are now looking into the feasibility of expanding the Tana River Irrigation Scheme by an additional 600 acres so that we can accommodate 150 families as settlers.

Mr. Wakole: Mr. Speaker, Sir, while appreciating the answer from the Assistant Minister, could the Assistant Minister tell me how soon this will be?

Mr. Murgor: Mr. Speaker, as soon as agreement is reached.

Mr. Komora: Mr. Speaker, in view of the fact that we have had this type of promise all along and in view of the fact that this House has passed a resolution affecting the expansion of that scheme, and that Government has not expanded that scheme, will the Assistant Minister assure the House that the scheme will be expanded during the next Cabinet session?

Mr. Murgor: Mr. Speaker, Sir, I said that the technical assistance team is in Galole, and as soon as we finalize the agreement, we will start.

QUESTION BY PRIVATE NOTICE

DIFFERENT KANU GROUPS IN MOMBASA

Mr. Omar: Mr. Speaker, Sir, I remember that on many occasions you have said in this House that party affairs have to be dealt with by the party itself but not by the National Assembly. Now, is the Member in order to ask such a question which is a party affair?

The Speaker (Mr. Slade): Yes, I have said, and I say again, that the internal problems of parties are not the concern of this House, but when they are such as to threaten peace, as alleged by this question, then it is the concern of the House.

Mr. Jahazi: On a point of order, Mr. Speaker, Sir, could the Member justify the fact that peace is threatened to such an extent in Mombasa that it warrants a question of this nature by a Member from outside Mombasa Constituency when there are constituent Members at Mombasa?

The Speaker (Mr. Slade): Order! Order! The extent to which peace is threatened is a matter of opinion, but I think all of us are aware of the extent to which police have been concerned with certain troubles at the Coast from time to time. I would have thought the fact the question was asked by an hon. Member who was not from the Coast was better evidence of his sincerity being concerned about peace rather than any other policy.

[Mr. Omweri]

be set on fire, was taken to the police station for safety and investigation, and this is what was in the papers?

Mr. arap Moi: Mr. Speaker, Sir, if the hon. Member was listening, I said that as far as security is concerned, it is under control and there is nothing to worry about.

NOTICE OF MOTION FOR THE ADJOURNMENT

MATTER OF REPLY TO QUESTION BY PRIVATE
NOTICE: DIFFERENT KANU GROUPS IN MOMBASA

Mr. Komora: On a point of order, Mr. Speaker, may I be allowed to raise this matter as a Motion on adjournment?

The Speaker (Mr. Slade): Just give me notice, that is all

CONSIDERED RULING

QUESTIONS WHICH MAY NOT BE ASKED

The Speaker (Mr. Slade): I would remind hon. Members of a Standing Order which I had temporarily overlooked. It is Standing Order 37 (13) which reads:

“A Question shall not ask whether any statement in the Press . . . other than a report of something written or said by a Minister or Assistant Minister or civil servant, is inaccurate”.

So supplementary questions, asking whether what they read in the newspapers is true, are out of order.

I think we must go on now.

NOTICE OF MOTION FOR THE ADJOURNMENT UNDER STANDING ORDER 20

DESTRUCTION BY FIRE OF NAIROBI SHANTIES

Mr. Lubembe: Mr. Speaker, Sir, I rise to request you and this House to allow me to raise a matter of national importance because of the problem affecting people in my constituency. I want to raise this matter under Standing Order 20.

Mr. Speaker, I have 6,000 families in my constituency who have lost their homes—one may call them shanty houses but they happen to be there—as a result of fire which has destroyed the houses and property of these people. The city council has continued to refuse to build any shade under which they can shelter themselves. The families are out, so are the children, and their difficulties are continuing to increase. There

is a very great need for this House to request the Government to say what it wants in this matter.

Therefore, Mr. Speaker, I beg to request that I should be allowed by this House, through you, to raise this matter as a matter of national importance.

The Speaker (Mr. Slade): Order! Order! That is a definite matter and evidently of considerably urgency, if so many people are without shelter at the present time. The degree of national importance, I think, is for hon. Members to judge, but there is certainly some degree. So I will enquire whether 15 or more hon. Members support Mr. Lubembe.

(A number of hon. Members stood in their places)

The Speaker (Mr. Slade): Order! Yes, Mr. Lubembe, you may move the adjournment of the House to raise this matter of provision for these unfortunate people. The only question is the timing of it.

We have to spend a full three hours on the debate on the Financial Statement. So I think it will have to be at 6.15 p.m. that you move the adjournment. That will only give us a quarter of an hour before the ordinary interruption of business. However, I think the House would agree, for the convenience of the House, that you be given a little more time. Perhaps we could let discussion run until 6.45 p.m.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I would like, when the Member refers to 6,000, whether he would like the Government to find out the actual figures or is this the figure he read from the newspapers as was suggested? This is important. Instead of us just discussing on any figure, it should be a definite figure.

The Speaker (Mr. Slade): It is, of course, important for hon. Members to have their facts right whenever they put a proposition to this House based on those facts.

I would not have thought the exact number mattered as long as it is a large number. The issue is the same, I think.

I would add, which I did not say before, I did say yesterday or the day before, that these Motions under Standing Order 20 can only relate to matters of administration for which the Government is responsible. This is primarily a matter for Local Government, I think. It did, however, strike me as something of sufficient emergency for the Central Government to be interested. That is why I think it is a proper matter for Mr. Lubembe to raise.

POINTS OF ORDER

CRITICISM OF KENYA BY OTHER EAST AFRICAN COUNTRIES

Mr. Shikuku: On a point of order, Mr. Speaker, very often you have ruled from the Chair that when we are discussing anything that affects the three East African countries we should not level criticism against friendly countries, be they East African countries or otherwise.

Now, Sir, when you read the parliamentary reports published in the newspapers as reports of discussion in other National Assemblies you will find that they talk in bad faith about this country, have you any relationship with other Speakers to ask them to control their Members? In the National Assembly of Uganda, for example, a Member, when speaking, was really hitting at us very hard. Yet, in this House, when we try to do the same thing you say we should play it cool. Do the other Speakers also apply the same rule?

The Speaker (Mr. Slade): That is a very interesting proposition that Mr. Shikuku has raised. Of course, we have no control at all on what is said in other countries, and there is no permanent association between the Speaker of this House and the Speakers of the neighbouring Parliaments.

However, I would be prepared to inquire, as a matter of interest, from my colleagues in neighbouring territories whether they have the same rule as we have, and if not, might it not be a good idea.

MISREPORTING ON THE VOICE OF KENYA

Mr. Jahazi: On a point of order, Mr. Speaker, I wonder whether this is a good time for me to rise on a point of order with regard to a certain paper and also the Voice of Kenya misquoting me in relation to what I said here last night?

The Speaker (Mr. Slade): I have asked hon. Members, when they are troubled by a misquotation or a misrepresentation in a newspaper, simply to ask the editor to put it right.

However, when it is the Voice of Kenya, I think the editor is a little more difficult to get hold of. So I allow it as a point of order in the House.

So you say what it is.

Mr. Jahazi: Mr. Speaker, Sir, yesterday when I was speaking here, I did not see any reporter from the Voice of Kenya or the *Nation* up there and yet when they reported me I do not know where they obtained the material from. I was reported as saying that the Government is laying so much emphasis on tourism throughout the

country and forgetting other industries. I was reported as if I was condemning tourism development in Kenya.

Actually, what I said was that Mombasa, in particular, was being turned into a tourist centre instead of an industrial centre, and therefore, more emphasis should be laid on industrial development in Mombasa. I did not talk of this throughout the country. The picture the *Daily Nation* and the Voice of Kenya painted was that I was against tourism development in the Republic of Kenya as a whole as against industrial development. That was a wrong picture altogether. So, Sir, I would demand that they correct this.

The Speaker (Mr. Slade): I would like the Voice of Kenya to note this.

However, it does not sound to me as if the report was so very different from your description of what you said. Anyhow, we will ask the Voice of Kenya to note that.

Mr. Shikuku: On a point of order, Mr. Speaker, on the same matter I also have a complaint to make. I said in Butere Constituency some sub-chiefs—I specifically stated two sub-chiefs. I did not speak of the whole of Butere but just Marama, Shiatsala and Shibembe but they have reported that in Butere Constituency the relatives of chiefs or sub-chiefs do not pay graduated personal tax. I did not say that. I said the sub-chiefs of the two sub-locations—

The Speaker (Mr. Slade): Hon. Members, we cannot always expect reports of what is said in this House to be 100 per cent accurate. But these serious inaccuracies are extremely irritating and sometimes quite damaging.

This is now three complaints of the Voice of Kenya reported in two days, I think. I would ask for a little more care to be taken by the reporter of that organization.

BOWING TO THE CHAIR

Mr. Ngala-Abok: On a point of order, Mr. Speaker, the other day I was asked by a student to explain why when Members enter the Chamber, and the Speaker is not there, they do not bow, they just enter and they converse freely but when the Speaker enters he has to bow. I was asked to explain the meaning of this. I merely said this was to honour the House.

Mr. Speaker, would it be in order for you to tell us why, when we enter and nobody is in the Chair, you bow, like I see the judges doing in courts of law. What does that signify? Are you respecting the Chair or Members of Parliament, or what? What is the position?

The Speaker (Mr. Slade): Order! When the Speaker bows to the empty Chair, he is bowing to the House, he is showing his respect to the House.

Mr. Kebaso: Point of order.

The Speaker (Mr. Slade): Mr. Kebaso, we must get on soon. Let us have your point of order, though.

Mr. Kebaso: Mr. Speaker, I also am talking about this misreporting. The other day, I raised a question here about how many employees the city council has taken from the Labour Exchange. One paper said—

The Speaker (Mr. Slade): How long ago was this, Mr. Kebaso?

Mr. Kebaso: Last week.

The Speaker (Mr. Slade): Order! Hon. Members, it is too late to start complaining a week after the misreporting. If you want to do anything about it, it has to be very quick.

Point of order, Mr. Kariuki?

Mr. G. G. Kariuki: No, Order No. 5.

The Speaker (Mr. Slade): Mr. Chillo still had four minutes to go.

COMMITTEE OF WAYS AND MEANS

MOTION

THAT, MR. SPEAKER DO NOW LEAVE THE CHAIR

(*Minister for Finance on 19th June 1969*)

(*Resumption of debate interrupted on
25th June 1969*)

(*Third Day of Budget Debate*)

Mr. Ondiek-Chillo: Mr. Speaker, soon after independence, there was this idea of self-help. I would say it is actually promoting tribalism in the country, more than anything else, particularly with the Ministers. Always we hear that the hon. Moi has gone to Baringo, the hon. Nyamweya has gone to Kisii, the hon. Kiano has gone to Murang'a. These Ministers have never gone beyond their constituencies.

Hon. Members: Question, question.

Mr. Ondiek-Chillo: They are national Ministers and should not concentrate on their areas only. I cannot remember any day on which the hon. Moi has been to Nyakach and contributed anything, even a single cent. I cannot remember any day—

The Minister for Power and Communications (Mr. Nyamweya): On a point of order, Mr. Speaker, will the hon. Member speaking substantiate the serious allegation he has made that I do not go beyond by constituency?

The Speaker (Mr. Slade): No, the way to deal with that, Mr. Nyamweya, as he is alleging a negative, is for you, on a point of order, to tell him he is wrong. You can do that. You can refute a negative.

The Minister for Power and Communications (Mr. Nyamweya): Mr. Speaker, Sir, the hon. Member from Nyakach is misleading the House, because, as a Minister of the Republic, I have visited practically every district in the Republic.

The Speaker (Mr. Slade): Before you go on, Mr. Chillo, I would point out that what Ministers give out of their own pockets is not relevant to a debate on the Financial Statement, which concerns public funds.

Hon. Members: Hear, hear.

Mr. Ondiek-Chillo: Anyway, Mr. Speaker, what I was trying to say is that when the Ministers are making any contribution, they should do so to—

The Speaker (Mr. Slade): It is not relevant.

Mr. Ondiek-Chillo: The other thing I would like to say concerns secondary school leavers, Mr. Speaker. It is said, time and again, that there is a shortage of teachers in the countryside, and yet a number of school-leavers, particularly those with school certificate who should be given places for P.1 training, are not taken care of. If we are short of teachers—and, in fact, most of our primary schools are filled with untrained teachers—why can the Government not increase the number of teacher training centres, so that these School Certificate leavers who have no employment could be taken there for training? Then, instead of saying that we do not have enough teachers within our schools, we would know that we have enough teachers. These facilities are not planned to enable us to have more teachers in our schools. I think this is a great failure, and if these were good planning, I believe more school leavers could be taken into teacher training schools and then become teachers.

At the same time, in regard to the Teachers' Service Commission, this is very vague at the moment. When this House asked whether teachers were civil servants, we were told that they were not. Yet the Teachers' Service Commission is supposed to be a Government body which looks after the teachers' terms of service and conditions. You find, at the moment, the teachers are nowhere. Some are said to be employed by the local authorities, and some are said to be employed by the Teachers' Service Commission. Teachers asked for one employer

[**Mr. Ondiek-Chillo**]

who could cater for all their terms and conditions. At present, the conditions of the teachers are getting worse, as a result of forming this Teachers' Service Commission. Teachers in the rural areas are left in the hands of their communities, which should, in fact, be building houses for them. These people are very poor; they do not have any income, and this should be cared for.

Also, the question of water development is not looked into. Many schools do without water. The Minister for Economic Planning should look into this.

Mr. G. G. Kariuki: Mr. Speaker, Sir, I would like also to say a few words on this Financial Statement. Sir, there is a lot of noise here from a few Masai sitting together.

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

The Assistant Minister for Tourism and Wildlife (Mr. ole Tipis): Mr. Speaker, on a point of order, is there anything wrong with three Masai Members sitting together?

The Speaker (Mr. Slade): I cannot hear you. What did you say, Mr. ole Tipis?

The Assistant Minister for Tourism and Wildlife (Mr. ole Tipis): Is there anything wrong with three Masai Members sitting together?

The Speaker (Mr. Slade): No. It was only the noise I think Mr. Kariuki was referring to. You are asked to sit together quietly.

Mr. G. G. Kariuki: Mr. Speaker, Sir, I would like to start by saying something about our East African Community and, in particular, to try to reply to one of our friends in the Uganda Parliament who has chosen deliberately to attack Kenya through the East African Community.

The Speaker (Mr. Slade): You are not going to reply rudely, are you, Mr. Kariuki?

Mr. G. G. Kariuki: No. I am not a Government Minister. It was never the intention, Mr. Speaker, Sir, when the East African Community was formed, to halt development in Kenya in order that development in Uganda and Tanzania might be hastened.

The Speaker (Mr. Slade): Order! There is too much noise.

Mr. G. G. Kariuki: Mr. Speaker, it was not the intention, as I understand it, for the Community to try to prove that its existence will improve the development of Uganda or Tanzania. At the same time, it is therefore not very important for some Members of our partner states to try to attack us, either directly or indirectly. It was not the objective of the Treaty that, because the rate of

economic growth in Kenya is 6 per cent, that in Tanzania and Uganda it should be the same. This was not the intention of the Community. The current anti-Kenya attitude in some quarters, is outside the purpose of the objectives of the Community, and I think Mr. Nekyon should not have tried to undermine the Community through making such a statement which appeared in yesterday's newspapers.

Now, Mr. Speaker, I think it should also be known by everybody in East Africa that we are not responsible, and we should not be blamed, for the fact that during the Colonial rule, the Colonialists concentrated economic industrial development in this country and not in Tanzania or Uganda. This is not our fault and, in any case, we have sacrificed, and we are sacrificing even now, and these achievements of ours during the Colonial rule have, in fact, been paid for through our sweat and blood. Therefore, Mr. Speaker, as Mr. Shikuku wanted, there must be some co-operation between the Speakers, or if that is not possible, then the three Heads of State should be able to control the speeches of some politicians from their own countries. These will only endanger our Community, which I think is useful for our community in East Africa, in Kenya and in Uganda.

Another thing which I want to mention, Mr. Speaker, before I conclude on this subject, concerns our achievements in the East African Community. In the present conditions in Uganda, we have what is called the transfer tax. This transfer tax has undermined our exports to Uganda, and also there is the system by which they issue licences to exporters or transporters in Uganda. This also has undermined our business activities in that state. In that case, Mr. Nekyon should have checked in his own papers, and seen that Kenya is suffering more than any other state in East Africa. I think that hon. Member ought to be told the truth by the Ministers from this side who represent us in the East African Community.

Leaving that aside, I do not want to go into details, because there are Ministers here who will probably reply to the statement. However, I would like also to mention something else. The hon. Specially Elected Member, Mr. Ochwada, would like to know how we are affected by this Community. I would advise him to read his Economic Survey where he will see some facts stipulated there quite clearly. For example, Kenya's total exports to Tanzania and Uganda declined by 13 per cent from £30 million in 1966 to £26 million in 1967, and it remained at this level in 1968, because of the way they issue licences to our exporters in Tanzania and our

[Mr. G. G. Kariuki] business people in Uganda. I think it is important that this point should be dealt with quite carefully by our Government because, in 1968, Kenya's total volume of inter-state trade fell by 3 per cent; in Tanzania it rose by 8 per cent; and in Uganda it fell by 12 per cent. That is not because Kenya was working against Uganda; that was not why the volume of trade went down. It was because of the restrictive measures created by themselves. They were created by themselves by way of transfer tax and also by issuing of these licences.

Mr. Speaker, this decline in Uganda's volume of trade with the other partner states occurred, mainly, because of the restrictive import licences which were imposed until May of this year, and Mr. Nekyon—who has been a Minister for Information, I understand—was involved in creating this Community. If we think he made a mistake, and that was why he was thrown out of the Government by Dr. Obote, he should not now make malicious statements against the Kenya Government. Our Kenya Government is stable, it is not like that of theirs which is fighting tribalism and federalism in their own ways.

Mr. Speaker, another point I want to make here concerns the one which the Leader of the Opposition made the other day. I am glad that Mr. Speaker corrected the Leader of the Opposition and he himself assured the House that he would never again make such statements outside the House. He was talking about the Sh. 2 rate of graduated personal tax which has been waived by the Government. He said this would not create employment for the people. It is true, it will not create employment for the people, but what was the alternative? He should have told the House his alternative and his proposals, but just to attack the removal of the Sh. 2 and to say that it will not create jobs for the people is not enough.

With regard to self-help projects, in the last few months I have referred to the way some politicians have been behaving in dishing out money to the public. This is all right, but there is something I would like to tell the newspapers in this country, and the Government, Mr. Speaker. The newspapers and the Government in this country will not benefit the country if they just allow statements which are not true to be published all over the place. At any self-help meeting you will hear that Sh. 40,000 has been contributed, but if you go into the details, except for promises, the money has not actually been given; it has only been promised. Recently, in Nakuru, there was a dance, if Members would

like me to refer to it. It was said that Sh. 26,000 was collected when, in actual fact, it was only Sh. 126 which was collected. The newspapers, for your information, Mr. Speaker, reported Sh. 26,000.

Mr. Tsalwa: Where?

Mr. G. G. Kariuki: This has happened. Another problem I would like to tell the leaders of this country about, which is now cropping up in the self-help projects, is that the chairmen of self-help projects are innocent people, but when the leaders go and promise that they are going to pay a certain amount of money and they do not do so, they commit the chairmen of the self-help groups to buying various items on credit. In future, this will bring these *wazee* to trouble. I think the leaders of this country who promise money—because most Members of Parliament are influential people—must pay the money they have promised.

Mr. Tsalwa: On a point of order, Mr. Speaker, this is a very serious allegation, that some Ministers of this House, as well as Members of Parliament, have promised to give money to certain self-help groups. Could the hon. Member substantiate that such Members and Ministers who have promised this are in this House?

The Speaker (Mr. Slade): No, Mr. Tsalwa, because, as I said to Mr. Ondiek-Chillo just earlier, if it is a question of contributions by Ministers or other Members out of their private purses, that is not in the least relevant to debate on the Financial Statement which concerns public funds. We should therefore leave this alone.

Mr. G. G. Kariuki: Mr. Speaker, I think you are quite wise in taking such a decision to inform the hon. Mr. Tsalwa who is always panicking when he hears something being mentioned.

Mr. Speaker, I think, all I am trying to say is that people who promise things should honour their promises, no matter whether they have the money or not. If they do not have the money, then they should not promise it.

The Speaker (Mr. Slade): Mr. Kariuki, do remember what I said. We are not talking about promises of personal contributions; that is quite irrelevant, and we want no more of it. If it is promises on behalf of the Government, that is a different matter.

Mr. G. G. Kariuki: Now, Mr. Speaker, thank you for your ruling and, at the same time, I do not want to pursue that further because I do not want to get into a conflict with your ruling.

Another point that our Government should look into is the question of unemployment. This unemployment problem has been discussed from

[Mr. G. G. Kariuki]

various quarters; and just recently the hon. Member for Butere attempted to call a certain seminar on the unemployment problem, but this, Mr. Speaker, did not materialize. I think the question of unemployment should not just be brushed aside. The Government must take the initiative and see to it that something is going to be done on this question of unemployment.

Another thing, Mr. Speaker, which is also a problem to our Government and ourselves is the question of squatters. This question of squatters should be looked into seriously and carefully by the Government, especially in emergency villages.

Mr. Speaker, since my time is over I would like to end up there and I beg to support.

Mr. Kamau: Mr. Speaker, Sir, I rise to join the other colleagues of mine by congratulating the Minister for Finance for his able and very well-balanced Financial Statement which he has made to this House.

Mr. Speaker, Sir, outside in the country the community as a whole is very, happy about the deleting of the Sh. 24 tax for the ordinary man because this has been giving a headache to the people and especially to the unemployed. They are very happy about it and it has shown the maturity of our Government because this has never happened before. Even if the Opposition was trying to say that it was an election gimmick, it is the duty of all responsible Governments to respond to the wish of their subjects, to lead them when they are in difficulties, and this was one of the tasks in the country. It was a very heavy burden to the ordinary man in the country and that showed that our Government has seen sense and I would say that I hope the Kanu Government lives forever.

Mr. Speaker, Sir, I have only a few points to give to the Government which I would ask the Government to take a serious view of them. We know that, very recently, teachers have tried to stage a strike because of their salaries. I would ask the Government, at this stage, to consider, very seriously a review of the teachers' salaries. Teachers, I must say, are the greatest potential asset of the whole country. Even all the good leaders and the best leaders of the world and even the wisest leader, His Excellency the President Mzee Jomo Kenyatta, have gone through teachers. They are the people who should be considered very carefully when they are paid. At the moment, I know that our Government has tackled the problem of reviewing the salaries of teachers and I hope, because the matter is in the hands of the hon. Wariithi a Member of this

House who is the Chairman of the Committee reviewing the teachers salaries, he is going to consider very favourably and recommend to the Government that the teachers be well paid. As I have said in this House several times, Mr. Speaker, the reason why teachers are always unsatisfied is because of the work in teaching a person who afterwards goes into business like in commercial firms and gets more than the teacher who taught him and gave him that knowledge. I think it is high time our Government made history by honouring the services of teachers and gave them better salaries than any other departments.

Mr. Speaker, Sir, that I think is clear and well understood. If teachers were well paid, no strikes of any kind could ever take place. Another thing that I should mention in conjunction with this is that these low salaries to the teachers have encouraged teachers, nowadays, to ignore the teaching profession to the extent of even leaving the students attending the classes after giving a lesson and then they go into other occupations to try and see if they can make some money by doing other business outside. This is a very serious thing, Mr. Speaker, Sir. If we want the best leaders of tomorrow in this country, we must have teachers well paid and then be able to control them in teaching in their classrooms at the normal hours.

Mr. Speaker, Sir, another section within our community that I should mention, if I remember rightly, is that in the past some time last year in this House, we raised a point on the salaries of the police. The police, I should say, are very poorly paid at the moment and, in this respect, we have experienced most of the difficulties with the constables. Sometimes we hear that a constable is accused of corruption. I do not think that this is due to their fault. If I am right, I think a commission to investigate into the salaries of the police was appointed to go into this matter. We would like to hear from the Vice-President and Minister for Home Affairs—at least we should be informed—how far this commission has gone with reviewing salaries of the policemen. A policeman is the one who is the backbone of the security in this country and, therefore, he should be well cared for and well paid. At the same time, we have seen that most of the police quarters, in places where they live, are very poor houses. They should be very well housed and their children at this moment should be given adequate education. At the moment, they are being transferred from here to there, day after day, month after month, year after year, and we have found that the children are not progressing steadily in their education. When I

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come to take it as a whole, I would ask the Government to put a central school for all Civil Service children so that, when their parents are being transferred from one place to another they can stay on in the same place. At the moment what happens, for instance, is that a district commissioner is moved from Kiambu to somewhere else and his child has to go to school there, and then the next day he is transferred to Kisumu and he has to take his children there. This is interrupting their education and it is high time that the Government should consider putting up a central school so that the children, irrespective of their parents, can be put there when their parents are transferred. This I think would be a very bright idea and, if the Government has never thought of this, I would advise the Government that it is high time they took the idea very seriously. I hope that the hon. Minister for Finance is listening to this debate, because I hope he is going to reply at the end.

Mr. Speaker, Sir, another point I would make on this Budget is that it is only a blind man who cannot see what the Kanu Government has done for the country. Through my own personal experience, I would say that if there is any paradise on earth, it is here in Kenya today. Why I am saying this is because during the colonial days, we never dreamed there would be an African enjoying sitting on these soft seats in this Parliament and we thought that it would only be a white man who would enjoy these privileges. Today, every position in Kenya, irrespective of what the position is, is now being filled by the sons of the soil. This is only because His Excellency, Jomo Kenyatta, has led the Kanu Government to such an extent that he has brought about the stability of the country. Therefore, I must congratulate the Government for the achievements it has brought to this country within the short space of six years. If we think of what the Government has done within this short time, it is absolutely without comparison with what we were living under the colonial yoke, 70 years ago. Because we are in a free and democratic state, one can state any nonsense one likes but, to try to suggest that the Government has done nothing, is something that only a blind man can do.

Mr. Speaker, Sir, because I know that the time is short, I would very strongly ask the Government to cast their eyes on the rural areas. There has been development, and there is no doubt about it, but still I would appeal mainly to the Ministry of Works, to go into the countryside and see about the conditions of the roads generally, without just dealing with one particular area. I know the whole country is now economically

doing very well and responding to His Excellency Mzee Jomo Kenyatta's call to go back to the land. We have gone back to the land and we are now producing more, but what we are lacking now is only road roads to transport the produce to the cities and to the towns. I appeal to the Government, very sincerely, to make the roads throughout the country all weather-proof because, at the moment, in some of the places it is very difficult to transport produce from one area to another.

Another point, Mr. Speaker, Sir, to which I would like to draw the attention of the Government is about the *Harambee* secondary schools which are being built in the country. The people are very keen to establish as many of these schools as possible, and it is the task of the Government to take on these schools. I can assure the Government that the people are willing to establish as many health centres as possible in the country, but what is lacking—and I hope the Government is going to look into this—is adequate manpower to put up these self-help clinics or health centres. It is high time that the Government provided the manpower for these centres and these *Harambee* schools. The Government will ask me where to get these people to man these institutions. However, I have experience: when I was in the British Army in the 1940's, we used to have educational schools where we used to send people for short courses and then those later on became instructors to instruct others. It is high time that the Government should mobilize all the young people who are school-leavers and put them in those institutions so that they can train as nurses or teachers. It would take only a short time and those people with School Certificate could easily assimilate the training and would be able to become good teachers. There is no point in the Government telling us that they cannot establish any more health centres because there are no nurses or doctors, because the people are here, only the Government has not been able to think, although I hope it is now going to think. They should put these people in training and then, within a very short time, there would be teachers of every variety in our country.

Mr. Speaker, Sir, we know that the Government is going to say that this will cost a lot of money but I know this House—and I hope my hon. friends will bear me witness—will pass a Supplementary Estimate to see that such institutions are established in the country. There is no point saying we have no teachers, no nurses, or anything, when we know that we have so many people to train these people. We have come to the question of trade and I think it is high time that the Government should encourage more

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people to come into the field of trade and business to replace the Asians who are leaving their businesses at the moment.

Mr. Speaker, Sir, as I can see that time is running short and I want to give my colleagues the opportunity to air their views, I support the Budget.

Mr. Thimangu-Kaunyangi: Mr. Speaker, Sir, I feel that credit should be given where it is deserved and criticism where necessary. Sir, I believe that our greatest asset in this country is the stability we have and this, of course, is a credit to our Government. Another fact we should remember is that our resources are limited. Whenever a Budget comes around, I think we should always congratulate the Minister because he manages to do so much with so little of our resources.

Mr. Speaker, Sir, we are a country with no minerals or other resources from which we could get a lot of money, but always our Government has managed to spread out the little we have and we have managed to get through.

Mr. Speaker, having said that, there is always a "however" or a "but"; that is to say we say our Government has done so much "but". Now and then we have a "but". Here the "but" we have is that whenever we have, say, development, we must know that the total development is so much in the whole country, but now and then you find that it is only in one or two areas. In other words, Sir, we have a problem of distribution, distribution both geographically and socially. That is, you might find one side—whether Eastern, Western or Northern—with more development and another side with less development. Because of this unfair geographical distribution of our development projects, you find that our people are not satisfied. Not only that, Sir, but, socially also, you find that a certain class of people are benefiting more from whatever development our Government is giving us than another class. Therefore, the criticism which we can level at the Government—although they have done so much—is that they should look at this question of distribution very seriously, both geographically and socially, so that the smallest of our people can reap the fruits of our independence and of our development.

Mr. Speaker, Sir, the Government is talking about rural development—or the Minister talked about this in the Budget Speech—but we shall never have any rural development until our local governments are efficient. It is a fact that now many services—which the people do not seem to realize—are in the hands of our local authorities. We know that the whole of primary education is

in the hands of the local authorities, also health centres; secondary roads; community development at locational level; and various services affecting the people in the rural areas directly. Although the Government at the top might do so much, I am sure our local authorities are efficient enough to put to the people these developments. Those people in the rural areas will never appreciate what our Government is trying to do.

Mr. Speaker, I think I should say that probably it was too early to start off Local Government in the way we have done—perhaps copying the United Kingdom. It might be that some of the personnel within these local authorities have not really reached the stage where they can give these small services which affect the people in the rural areas.

Mr. Speaker, Sir, one is worried about it, because I think the Government forgot one thing when we planned the Constitution, because the Constitution was amended at the top without amending that part which affects Local Government. This is so, because, at the moment, we have a lot of economic planning and, while the Ministry plans at the top about secondary schools—for which the Central Government is responsible—the various local authorities are planning primary schools on their own. Therefore, the pace of primary school development and that of secondary school development is not in step. Mr. Speaker, until this is centralized—in fact, I would say that whoever makes the primary schools plans must know about secondary schools, so that the school-leavers who leave the primary schools are readily absorbed into the secondary schools—we will continue to have this problem.

Mr. Speaker, Sir, we have those services which are listed under Local Government being planned differently by the various local authorities and then the Central Government also plans separately and the two do not meet. Therefore, you always have this problem whether it is in health, in education, roads or anything else, you find this awkwardness where, in the case of, say, dispensaries, health centres and hospitals, they are not being run in a streamlined way. Mr. Speaker, I feel there should be proper co-ordination between the planning at local government level or at district level, and at Central Government level. I am saying this, not because I do not know we have district planning committees. I know we have, but even if we have district development committees, the local authorities, themselves, do not control these development committees, so they plan with the district commissioner as the chairman and with other departments, and then the county council plans on its own some projects.

[Mr. Thimangu-Kaunyangi]

Mr. Speaker, I have taken a lot of time on this point because I think the Government should start thinking about it, because if they do not, then we will, all the time, be talking about rural development, but the majority of the services in the rural areas are under Local Government, they will not appreciate whatever rural development we are talking about.

Mr. Speaker, Sir, there is another point which I have found, and this is in connexion with what our Government has done. Mr. Speaker, what can give our people more push is the amount of information, the encouragement which the Government can give them. We might continue to say we are planning *Harambee* projects, but what we find is that, although people in the rural areas are very, very keen to build schools, health centres, roads, bridges, dams, and everything which they can build—as they have shown by the fact that now there are more *Harambee* secondary schools than those of Government—after they have been built, very few are taken over by the Government. If you see in a small location or district that the people have taken the trouble to build a small or large thing, unless they are given encouragement from the Government, then, very soon, they will become tired. Therefore, Mr. Speaker, if we take the time to encourage people to build, there must be real planning on how to take these projects over, not only schools, but the health centres, dams, dispensaries and all these things, because I know they are lying about all over our district, and sometimes people have completed them, but they cannot pay for the staff. In the case of health centres, they cannot pay for the medical assistant, or for the nurse or for somebody else, and I think if the Government could not take over the whole project, they should, at least, take over the staff. For example, in the case of schools, I am sure the Government could afford to take over the paying of all the teachers, even if they do not take over the equipment. In the case of the health centres, the Government could afford to take over the paying of salaries to the nurses, medical assistants and probably drugs. In the case of dams which might have been built and the people cannot afford to buy the insecticide to put there, then, I am sure, the Government could afford to take over these. Instead of waiting to take over things completely, it would be better to try and take over the payment of staff salaries.

Mr. Speaker, Sir, I have spoken about the encouragement of these projects, or of telling the people about what our Government is doing. Mr. Speaker, Sir, I have said this before that sometimes we do not realize how important the

Ministry of Information is in the rural areas. We have assumed, all of a sudden, that we can all read and write, but we must remember that the majority of our people—probably 80 per cent—cannot read or write. If the Government wants to reach these people, they must reach them through the spoken word, and not the written word, and the spoken word should either come through the radio, or through a Member of Parliament, or through a Minister of through another person. This is a fact, Mr. Speaker, which our Ministry of Information should consider. We talk about the Africanization of trade, of the Civil Service, of the army, of the police force, but, Mr. Speaker, we must wonder how many people there are living, say, 300 miles from Nairobi, who know what we are talking about. When we had our Budget Speech, or we had the President talking on Madaraka Day, and the other ceremonies and festivals going on, these are national things, Mr. Speaker, which are very important to the people in the rural areas. It is through a film from the Minister for Information that they can appreciate what the Government is doing. It is not through reading the *East African Standard* or the *Daily Nation* or any other publication.

Mr. Speaker, I feel our Ministry of Information—which has been shrinking ever since independence instead of growing—should start waking up. Mr. Speaker, I am sure our people who we tell to work daily whether in farming, or in anything else, instead of knowing “Cafenol *Ndio* Number One”, it would be better if they knew what fertilizer to use with their maize. It would be better, Mr. Speaker, to know how to look after your home. We have made our radio and television very commercial, Mr. Speaker, so that people in the rural areas instead of knowing what fertilizer to use on their *shamba*, how to carry out their hygiene, what to do with their cattle and so on, are only told “Cafenol *Ndio* Number One” or “*Burudika na Tusker*”.

Mr. Speaker, I think the Minister should consider this very seriously because, although it appears to be a joke, it is only because the people have been told over and over again about Cafenol and other things that they know this, and the vans are sent round the countryside, and if we want the people to know what the Government is doing and to encourage them, we must also send vans there, send the Voice of Kenya there, and take everything there.

My time being over, Mr. Speaker, I beg to support.

Mr. Tsalwa: Thank you, Mr. Speaker.

[Mr. Tsalwa]

I would like to make use of this opportunity, on behalf of my electors of Lurambi South, in Kakamega District, to thank the Minister for his attractive Budget Speech which he gave in this House last week.

Mr. Speaker, the word stability has been used in almost all paragraphs—

Mr. Sijeyo: On a point of order, Mr. Speaker, as far as I know the hon. Members in this House are being paid a Sitting Allowance when they come here. Is there any possibility, Mr. Speaker, under the Standing Orders, that if a Member comes to this House just to show his nose and then goes out, that they should not be paid their Sitting Allowance but should be paid only a subsistence allowance? Mr. Speaker, Sir, I am seeking your guidance and I see there is no quorum in the House.

The Speaker (Mr. Slade): As regards your proposition that there should be no payment for the hon. Members who you say only show their noses, that would require an amendment to the National Assembly Remuneration Act which lays down, as it now stands, that hon. Members are entitled to payment for appearance at any Sitting of the House.

As regards a quorum, you are quite correct as to numbers, but under the Constitution and our Standing Orders as recently amended, I take no action unless you actually object to our continuing without a quorum. I take it you do object?

QUORUM

Mr. Sijeyo: On a point of order, Mr. Speaker, I find there is no quorum in the House and I object to continuing without one.

The Speaker (Mr. Slade): Ring the Division Bell.

(The Division Bell was rung)

Mr. G. G. Kariuki: On a point of order, Mr. Speaker—

The Speaker (Mr. Slade): I must say I do not like dealing with points of order when we do not have a quorum very much.

Mr. G. G. Kariuki: Mr. Speaker, is it in order for the hon. Member on the opposite side to say that Members are not available in the Chamber while his bench is empty? There is only himself on the KPU side.

The Speaker (Mr. Slade): There is no prescribed number of Opposition necessary to constitute a quorum.

Mr. Ngala-Abok: On a point of order, Mr. Speaker, although your ruling has been very wise in this particular case where the hon. Member

suggested that Members should not be given their allowance, is it not true also, Mr. Speaker, Sir, that some Members have appointments in various places in the afternoon when Parliament is going on, and, therefore, the Standing Order which allows these Members to be given the allowance took into account this particular aspect.

The Speaker (Mr. Slade): Order! Order! We will not discuss the merits of that Standing Order, or whatever it is, now.

We now have a quorum, please continue, Mr. Tsalwa.

(Continuation of debate)

Mr. Tsalwa: Mr. Speaker, I was going to say that the word "stability" appears in the Financial Statement which was made by the Minister for Finance last week, and I would like to support the last Member who has just sat down in mentioning that the stability we have in this country, is due to the wise leadership of Mzee Jomo Kenyatta. The public, as a whole, would like this stability to continue even after the next election.

Mr. Speaker, we know the funds now being provided under the 1969/70 Budget. We would like these funds to be utilized properly so that the people of Kenya can see how the money, and on what projects, has been spent. Mr. Speaker, I would like to ask the Government to spend part of this money on revising the old colonial boundaries between Nyanza and the Western Province. The boundary which was set by the Boundary Commission, which consisted mainly of the colonial element, left quite a good number of the Abaluhya in Nyanza Province. We would like these people to come back to their brothers in the Western Province.

Mr. Speaker, there are between 60,000 and 100,000, Baluhya in the Nyanza Province, particularly in the Siaya and Kisumu Districts. These people are being mistreated. Since we attained independence, none of our people have been made sub-chiefs, or chiefs, or anything of the sort. These Baluhya, who number between 60,000 and 100,000 are completely frustrated.

Mr. Speaker, in accordance with the Constitution of the Republic of Kenya, it is clearly stated that a person should be allowed to live where he can enjoy the fruits of the Republic. Mr. Speaker, you will, if you went down to Gem and Kisumu, find that those Baluhya who live round Maseno particularly, are being frustrated because the land on which Maseno Centre is situated belonged to Baluhya originally. I cannot see the possibility and the reason why they cannot be allowed to have their own chief.

Mr. Sijeyo: On a point of order, Mr. Speaker, can the hon. Member speaking substantiate that the Maseno Centre is situated in a Baluhya area or on Baluhya land?

The Speaker (Mr. Slade): No, I think if we ask for substantiation from one or the other as to the situation of Maseno, we shall not quickly come to the end of it. It really is in substance a matter of opinion on the conflicting views up there, with which we are all very well acquainted.

Mr. Sijeyo: On a point of order, Mr. Speaker, I would like to know, if the hon. Member speaking were one of the Luo who is in Luhya, what would happen if we wanted him to come back to Gem? What would happen if we called him back to Gem because Mr. Speaker, to authorize this—

The Speaker (Mr. Slade): Order! Order! Now there is no point of order. Will you continue Mr. Tsalwa.

Mr. Sijeyo: He is married to a Luo.

Mr. Tsalwa: Mr. Speaker, I thank you very much for your wise ruling against that point of order. Mr. Speaker, I was going to say there is no reason why the Baluhya residing around Maseno, and particularly in Siaya District, should not be given a chief or even two sub-chiefs. These people are completely frustrated and, as a matter of fact, they have approached some of the Members of Parliament here, particularly Mr. Shikuku, who is representing that area adjacent to Siaya District, that they would like to come back to Western Province to live together with their brothers. In fact, Mr. Speaker, the Luo who are farming in these areas are tenants, they are squatting on Abaluhya land. It is high time that they went out. Mr. Speaker—

Mr. Sijeyo: On a point of order, Mr. Speaker, it seems as if the hon. Member speaking is trying to incite in regard to what has been happening in Maseno where two people have been killed by Luhya in Maseno, but no proper action was taken by the Government yet we have been appealing for unity and peace in the country? Is he not inciting the people to fight again?

The Speaker (Mr. Slade): Order! No, he is not. If he was, then I would call him to order, because any suggestion by hon. Members that people should break the law in any way, including the taking of the law into their own hands, is out of order. But the hon. Member has not gone that far. I hope he will not.

The Vice-President and Minister for Home Affairs (Mr. arap Moi): On a point of order, Mr. Speaker, Mr. Sijeyo, the Member for Gem, said that two people were killed and the Government

did not take any action. Is anyone who makes such remarks on a serious matter like this, Mr. Speaker, Sir, in order? Is he really in order to that?

The Speaker (Mr. Slade): He is out of order to refer to it at all, I think. I think we had better forget about it and let Mr. Tsalwa go on.

Mr. Tsalwa: Mr. Speaker, Sir, I would like to touch on another point which is connected with this boundary. Late last year at a Kanu Parliamentary Group meeting, it was decided that the Government should appoint an independent judicial commission to look into the disputes which arise along the provincial or district boundaries. I would like the Government to take up that matter as soon as possible, and even before the census is undertaken.

Mr. Speaker, the other thing on which I would like to touch now is about the forthcoming census. In the past, the Abaluhya residing in Siaya and Kisumu District were illegally registered as Luo, against their wishes, and this is why these people have now come to realize that they should have a registrar or supervisor for that matter, during this time, who could point out that "This is Abaluhya and that is a Luo".

Mr. Speaker, as regards economic expansion, as the Minister stated in his Budget speech, one finds quite extensive economic expansion around Nairobi, Thika, Kiambu, and at Nakuru, but what does one find when one goes to places like North-Eastern Province, where there is hardly any water, Ugenya-Alego, where there are tall, thin-legged women because they do not have enough water to drink and would like to have water at their homes? What does one find when one goes to Kakamega District, Bungoma, Busia and Ukambani? Mr. Speaker, the Minister for Co-operatives and Social Services is here, he says that the economic expansion has covered the whole country. This is untrue, Mr. Speaker.

Mr. arap Biy: Mr. Speaker, Sir, I also rise to join my colleagues who have spoken on the Budget—

The Minister for Co-operatives and Social Services (Mr. Ngala): On a point of order, Mr. Speaker, since the hon. Member who has just sat down has misquoted me, would I be in order to quote what I actually said yesterday?

The Speaker (Mr. Slade): Yes, you correct him and then Mr. arap Biy will continue afterwards.

The Minister for Co-operatives and Social Services (Mr. Ngala): Mr. Speaker, Sir, the hon. Member, who has just sat down, has misrepresented my statement which I made yesterday.

[The Minister for Co-operatives and Social Services]

Yesterday I said "In order to provide more opportunities for the unemployed in Kenya, the economy must be expanded". I did not imply that expansion of the economy has already gone throughout Kenya already, as he has indicated.

Mr. arap Biy: Mr. Speaker, Sir, I hope you will give me a few more minutes since the Minister has taken some of my time. Thank you, Sir.

Mr. Speaker, Sir, I would like to start off by mentioning or enlightening the House on the allegation which the hon. Masinde Muliro made as regards the Industrial and Commercial Development Corporation. I would like, Sir,—

An hon. Member: Declare your interest.

Mr. arap Biy: My interest is that I am one of the directors of the Industrial and Commercial Development Corporation and Mr. Speaker, in this capacity, therefore, I think I am more enlightened as to what is going on in that corporation.

Mr. Speaker, Sir, hon. Muliro applied for a loan from the Industrial and Commercial Development Corporation to purchase a property at Kitale, and this was in August last year. The loan was approved in early December and a Letter of Allotment or a Letter of Offer was sent to him on 20th December, and this is in writing in the files of the Industrial and Commercial Development Corporation. Mr. Speaker, the hon. Member said here, when I challenged him to substantiate, that the Letter of Offer reached him in April this year. I think he should have corrected that because we do not want things to be misrepresented to this House.

Mr. Speaker, Sir, I would like to request hon. Members of this House to appeal to the Government to give more money to the Industrial and Commercial Development Corporation because it is a Corporation which is loaning money on behalf of the Government. I would like to mention that the Corporation has assisted quite a good number of citizens in this country in various provinces; not only in one particular province, but in all the provinces in this country. It is true, Sir, that the amount of loans which has gone, say, to Central Province, could not be the same as the amount which has gone to Rift Valley Province or Western Province for that matter, because this depends largely on the number of applications which come to the board and, therefore, I would like to appeal to my hon. colleagues here to tell and educate their constituents on how to apply for these loans because we do not want to blame any particular tribe.

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

Mr. Deputy Speaker, blaming alone cannot build this country; it will not build this country. This country must be built on—Mr. Deputy Speaker, Sir, we would like say, if hon. Kanani applies for a loan from the Industrial and Commercial Development Corporation, to see that his case will be considered on merit and that will not be all the Baluhya. He is only an individual and, if his application is rejected, it is only an individual application which has been rejected and, therefore, I would suggest to him to apply if he wants to do something. Mr. Speaker, Sir, at this stage, I would like him to inform the House that we have already given the Western Province over Sh. 1 million towards the end of last May. That is exactly Sh. 1,320,000. Now, this has been given to Western Province. North-Eastern Province, the remotest Province in this country, has already received Sh. 620,000. Nyanza Province has received Sh. 1,385,000. Mr. Deputy Speaker, Sir, Eastern Province has received Sh. 1,580,000. Rift Valley Province, Sh. 1,655,000. Nairobi is the one which has received the highest because, here, we are trying to help our African people to go into business in the various important streets of Nairobi and, therefore, we have given them Sh. 2,044,000, and that is not a shame to anybody. That is not for one tribe, it is for all tribes. The Central Province has Sh. 1,600,000. Coast Province has Sh. 370,000. They never applied and, therefore, there is nobody who can be blamed. Mr. Deputy Speaker, Sir, arising from that, I would like to request my colleagues to ask the Government to give more money to that body, so that the body concerned could loan the money on behalf of the Government, to various business men, various industrialists, and so on. Mr. Deputy Speaker, Sir, the hon. Kamuren is complaining very bitterly probably saying that there is a bit of tribalism here. I would like to challenge him to produce one of the applications which has come from his area, particularly Baringo East where he comes from, where he represents. It might be that there is none, Mr. Deputy Speaker, and, therefore, talking here alone cannot build this country, and I repeat that Mr. Deputy Speaker, it can never build this country.

Mr. Deputy Speaker, Sir, I would like to go to the Development Estimates, which have been given in this Blue Book. Mr. Deputy Speaker, Sir, there is something wrong in planning in this country. The Minister for Finance in the East African Community is talking nonsense. It is because everything has been centred in South

[Mr. arap Biy]

Nyanza, and this is why he is saying "nonsense", Mr. Deputy Speaker. Every year, we are told about Lambwe Valley, development in that area. We are told about electricity in Homa Bay. We are told about extension of the hospital in Homa Bay. This is because the Minister himself, who is planning this, has an interest there. Probably he sees that Nairobi is now a risk to him—he might not get anywhere and therefore, he tries to concentrate everything there.

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, I was wondering whether that could be let to go in view of the fact that he has categorically stated that the Minister for Economic Planning is sending a lot of things in South Nyanza because he has an interest, and is going to stand there. Will this not be a matter for substantiation and further explanation?

The Deputy Speaker (Dr. De Souza): Order! Order! I am afraid this is not a question that can be substantiated. I think, what he means is that he comes from that area. As to where he wants to stand—I do not think anybody can substantiate where any person is going to stand. This is asking a man too much.

Mr. arap Biy: Thank you very much, Mr. Deputy Speaker—

Mr. Mbeo-Onyango: On a point of order, Mr. Deputy Speaker, Sir, in his statement, the hon. Member who is speaking has just mentioned Lambwe Valley and that all the development goes to Lambwe Valley. I would like him to substantiate that all the development goes to Lambwe Valley, because I am complaining that there is no development in Lambwe Valley.

The Deputy Speaker (Dr. De Souza): Order! Order! This is a matter of opinion. I am sure that when you get a chance to speak, you will correct him. I do not think that one can substantiate this very generalized statement that "My area is getting less than your area" and so on and so forth. This is said by so many hon. Members and you could not really substantiate every word of these allegations. I think that you must be careful, Mr. Biy, not to impute improper motives to an hon. Member. It is one thing to say that some area is getting more than its due share of development, but be careful not to impute an improper motive to any hon. Member.

Mr. arap Biy: Mr. Deputy Speaker, Sir, it is not always my intention to go to that extent, but when I am being shouted at, I have to show that I did not come here on my own, Mr. Deputy Speaker, Sir, there is nothing at all for the whole of Kericho in that blue book. There is only

£10,000 for a road—a part of the road—Sotik/Kericho Road which is only about two miles—£10,000, nothing else, full stop. This is a big shame, between now and 1970, June.

Now, when we go tomorrow to the public, what are we going to tell them? What development has gone on in that area? What are we going to tell them? Mr. Deputy Speaker, Sir, this hon. Member should be put out! This hon. Member is not doing anything! Mr. Deputy Speaker, the hon. Members are rather harsh this afternoon. I do not know why.

The Deputy Speaker (Dr. De Souza): Order! I think there is a little too much interference. Mr. Biy must be given a chance to finish his speech.

Mr. arap Biy: Yes, Mr. Deputy Speaker, Sir, I am just mentioning facts and these are hard facts. Therefore, I would like to appeal to my colleagues to give me a hearing because I am not trying to say things which are not in existence.

Now I would like to appeal to the Government to look into this, especially when the implementation of what we hear, of as another plan coming, we would like to see more projects being included for Kericho District and particularly Buret which I represent.

Mr. Deputy Speaker, Sir, when you go into the Local Authorities' estimates in this country, they are approved very, very late—some of them even taken about six months or almost a year. I would like to appeal to the Minister of Local Government, to see to it that something should be done. If there is anything wrong with the advisers, Mr. Deputy Speaker, he should get rid of some of them. Up to now, the estimates of Kipsigis County Council have not been approved. Many pupils from various secondary schools have been got rid of because there is no money coming from the local authority for their bursaries which have been approved by the local authority in question. Mr. Deputy Speaker, Sir, I would now like to have my proposal in order to have free primary education in this country in the near future.

We would like, Sir, because I can see I have been advised by an economist who is my good friend, who is not in this House, that if we could tax some few more articles and call that a special tax for education, we would get free education between now and 1970. If we could tax these fellows who are drinking heavily, every bottle of beer, Tusker, we could add ten cents on top and that would be an education tax. We should put more on a loaf of bread, and ten cents from that would be the education tax. We should

[Mr. arap Biy]

tax every pound of sugar and five cents on top of it would be the education tax. We should tax every yard of cloth and one penny on top of the usual price would be the education tax. If we could that, Mr. Speaker, Sir, we would get over £50 million, without any difficulty at all within, say, a year and that would be a great source of revenue which would enable us to give to our country free primary education. The reason why I said, from the beginning, Sir, that there was something wrong with the planning in this country is that when you look at the education, the so called free education given to our students in the Higher School Certificate level—this is something which is really ridiculous Sir. How can you build the roof of your house before you think of the foundation of the walls and then go to the roof? On which answer can you build the roof? Now, you are getting the wrong end of the stick and I think the planning should be revised and something should be done.

Now, if we should touch—I have suggested this because we should look after these small men, the poor people of this country, they should enjoy the fruits of *Uhuru* which we are talking about. The man who has managed to push his son up to Higher School Certificate level is not poor. Let us not deceive ourselves that he is poor. If he has managed to push him from Standard I up to Standard VII and then to secondary school level—after Form IV, it is free. Now, why can he not manage to push up higher than that? We would like to have this fellow, the poor man at home, the man who puts on only a blanket, who does not have any spare blanket for night or day, he has no suit, he has no pair of shorts, we would like to relieve him of this burden of school fees. It does not matter, Mr. Deputy Speaker, Sir, whether you are in a blanket or in a suit, when you go back to your home, you know what you do in order to get children. Every man in this country knows that. You cannot teach anybody. I have got five children and, therefore, I know what I can do. Mr. Deputy Speaker, Sir, we would like, therefore, to help that poor man at home. We would like to help this fellow. The people with motor cars here—I would like to propose that a special tax for everybody driving between Nairobi and Nakuru, Eldoret and Kisumu and so forth. When you go out, you will have to pay Sh. 2/50 when you travel anywhere. When you come back on your way to Nairobi, when you enter, you pay Sh. 2/50 and that would be the education tax. When you go to Mombasa, you pay that amount and, in this way, we are going to get a lot of

money. Also tourists will have to pay a lot of money.

With these few remarks, I beg to support.

Mr. Odero-Jowi: Mr. Deputy Speaker, Sir, I would like to thank you for giving me a chance to intervene in this debate at this stage. I am not going to be as provincial or parochial in my views as the hon. Member who has just sat down. I think, Sir, this House is not a forum for that type of district-mindedness. We should be broader-minded than that.

To begin with, I would like first to speak as a Member of Ndihiwa constituency. Sir, in this capacity I would like to point out a few facts which I would like to bring to the attention of my hon. friend, the Minister for Power and Communications. Sir, it has come to our notice that in South Nyanza we have the cheapest source of power, and when I say the cheapest source of power, I am comparing the costs of generating the power from Gogo Waterfalls—

Mr. Sijeyo: On a point of order, Mr. Deputy Speaker, is the Minister speaking as a Minister or a representative of his constituency? Could you please tell me from the Chair, because what he is saying, about South Nyanza getting cheap power and so on indicates that he is speaking as a constituency Member?

The Deputy Speaker (Dr. De Souza): Yes, Mr. Odero-Jowi you should state whether you are speaking as a Minister or a constituency Member.

Mr. Odero-Jowi: Sir, I made it quite clear that I was going to speak first as a Member for Ndihiwa constituency. If the hon. Member for Gem was dozing while I was saying this, the mistake is his.

Sir, I was saying that it has just come to the notice of the public of this country that in Gogo Waterfalls on the Kuja River we have the cheapest source of power in the whole of East Africa. Sir, it has also been revealed that this source of hydro-electric power can practically supply the whole of Western Kenya with cheap power for development. I am saying this, and I know my hon. friend the Minister for Communications knows this, that this discovery should auger well, not only for South Nyanza District but for the whole of Western Kenya. It should be possible to dismantle the diesel electric generators in Homa Bay, Kisumu—if there are any—and replace them with power from this cheap source.

Now, Sir, this should enable the Government to re-plan industrial development in Western Kenya. This should happen now because power

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is the main determinant of the location of industries. We have been told time and again that a lot of industries are attracted to places like Thika, Nairobi and Mombasa because of the power problem, but now that it has come to light that the cheapest source of power is located in Western Kenya, I would like to urge that the planners in the Ministry of Economic Planning should review their plans so that this cheap source of power in Western Kenya is fully utilized. It should enable the Government to electrify a lot of our schools in the whole of Western Kenya and, as the Minister knows, this source of power is so cheap that there is no comparison between the cost of generating that power and what is charged by the East African Power and Lighting Company.

Mr. Deputy Speaker, Sir, I would now like—The Minister says the point is noted and I am very grateful for that. I would also like to point out that in South Nyanza there is a great potential for white sugar which has not yet been tapped. In Kanyamwa Location, Kabuoch Location, Sakwa and Kanyangako we have a whole area of more than 10,000 acres suited for sugarcane. As a matter of fact, Sir, the peasants in this area are already growing a lot of sugar. However, because of lack of facilities, a lot of this sugarcane is lying idle and is rotting. I think this is a great deal of waste and I would like the Government, especially my colleagues the Minister for Commerce and Industry and the Minister for Economic Planning and Development, to give some attention to this.

Sir, I would also like to point out that one of the greatest handicaps to economic development in South Nyanza is the lack of good roads. There are vast areas in the central part of South Nyanza which have no roads at all. I wish my colleague, the Minister for Works, was around. I think this area needs his attention.

Now, Sir, having spoken in that vein I would like to speak as a representative of the Kenya Government in the East African Community. This afternoon, I am told an hon. Member of this House touched on the speech made recently in the Parliament of Uganda where a Member of that sister Parliament made a lot of wrong allegations about the trade relations between Kenya and the other two partner States of the East African Community. So, I would like to point out straightaway that the spirit in which that Member spoke in the Parliament of Uganda is in conflict with the spirit inherent in the Treaty for East African Co-operation. When the Treaty for East African Co-operation was signed, it was

not laid down that any partner State would have to stand still and wait for development in the other partner States. I think there has been a lot of wrong ill-feeling against Kenya because of the mere accident of colonial development, the accident that during the colonial era a lot of industries were encouraged here, a lot of development was encouraged in Kenya. However, Sir, we of today, we of this generation are not responsible for this. I think everybody must understand that we Kenyans, who run the Republic today, were not responsible for the fact that in the Kenya Highlands a lot of agricultural development took place through the European-farmer system, we are not responsible for the fact that the colonial powers sited headquarters of the Railways in Nairobi, and so on. I am sure all our friends in the two partner States understand this, and anybody in his senses, anybody who wishes to strengthen the spirit of co-operation in East Africa cannot blame the people of Kenya for these accidents of history. Sir, I think it is only people who are ignorant of what is going on who are usually misled to complain about some of these things but I, myself, and we who know the inner working of the Councils of the East African Community, and we who know about the spirit with which the East African Authority approach the problems of East Africa, are quite confident that the spirit of co-operation in the Treaty is being strengthened considerably.

May I only mention a few instances where the spirit of co-operation has prevailed against some local and parochial feelings. For example, Sir, since 1966 it has been the policy of the East African Authority to dieselize the railways system of East Africa. It has taken some time, Sir, to get the diesel locomotives ordered because of a few technical difficulties. Now, when I say technical difficulties, I mean difficulties like agreeing on what type of engines should be ordered, difficulties over agreeing on where some of these orders should be placed. However, Sir, when the Authority met a couple of weeks back, some of these difficulties were brought to nothing. This was due to the fact that the East African Authority is united in its approach to the co-operation within East Africa, it is united in its approach to the problems of East Africa. So, Sir, it is not true to say, as a lot of people are saying these days, that the Treaty for East African Co-operation has injected a lot of difficulties in the co-operation among the three East African States. Quite the contrary, the East African countries are co-operating at all levels. It is due to this co-operation that we are now decentralizing various East African Corporations. For example, the headquarters of the East African

[Mr. Odero-Jowi]

Posts and Telecommunications is now being moved to Kampala, and at the same time, decentralization measures are being taken to strengthen the regional offices of the same Corporation. The East African Harbours Corporation is now in existence as a result of implementation of one of the provisions of the Treaty. May I say that through decentralization, and through more investment in various fields, the East African Governments, the three East African partner States, are now deepening the roots of co-operation. I think there has been co-operation before, but it was superficial. Now, the co-operation is based on the willing consent of the three partner States. Before any major decision can be taken, a council to deal with that matter must meet. For example, on communications matter, the communications council is charged with the duty of taking major decisions on matters affecting Railways, civil aviation, East African Airways, East African Harbours, and the East African Posts and Telecommunications. We have not had any example or an instance of serious disagreement, and I must say that a lot of countries in Africa and elsewhere in the world are very interested in this experiment, because it is not easy for three sovereign States to co-operate and agree on common measures in the same way that we are doing in East Africa. I think we people of East Africa must really be grateful, because a lot of this co-operation is possible due to the constructive leadership of the three Heads of State who form the East African Authority. Without implicit understanding among themselves, without their ability to calm down, and sometimes ignore the interests of their own country, it would be impossible for the three East African States to co-operate in the way they are doing now. As a matter of fact, Sir, we have had inquiries from quite a number of other African countries. They would like us to send them technical assistance to help them patch up their own common services and co-operate along the lines we are doing, but, Sir, we have not been able to do this because we are just starting. As a matter of fact, while we are just beginning to implement the provisions of the Treaty signed in 1967, we have another problem of trying to process the admission of quite a number of other States which are interested in joining the East African Community.

So, Sir, I would like us to help the spirit of co-operation as Members of this Parliament, and as citizens of Kenya, by being most constructive in our outlook, and being as helpful to those of us who are charged with responsibility as possible.

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

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

Mr. Sijeyo: Mr. Speaker, Sir, I have a few points to mention on the Financial Statement. In Kenya, some sections of this country have been benefiting from the public funds which we are now discussing here. It seems as if, according to my knowledge, and according to the speeches by some Government Members on the other side, Ministers, the people in the rural areas are not considered with regard to the Budget Statement. It seems as if only people in the city, people in the big towns are being offered loans, but no people in the rural areas receive them to develop their trades. For example, Mr. Speaker, you will find that loans are only given to people in this town, in Nakuru, sometimes in Kisumu—there are only a few in Kisumu—and sometimes in Mombasa, but particularly in Nairobi, Thika, and especially—

The Minister for Labour (Mr. Mwendwa): On a point of order, Mr. Speaker, the hon. Member is making a very serious allegation to the extent that loans are only given to urban areas, and he simply says Nairobi, Nakuru and very few in Kisumu. This is a very serious allegation. Could the hon. Member substantiate this allegation?

The Speaker (Mr. Slade): We are faced with this trouble, Mr. Mwendwa, that we meet so often. It is practically impossible for an hon. Member to substantiate a negative statement. So I always allow another Member to rise on a point of order to prove him wrong by a positive assertion. So, if you would like to tell the Member how wrong he is, because of loans given elsewhere, you are at liberty to do so.

Mr. Sijeyo: The Minister has not been in the House for quite a long time, so he does not know what other Members have been speaking about on the Budget. Mr. Speaker, what I would like to say is that public funds should not be missed, because, for example, you find some of the Government vehicles are being misused, after office hours. For example, if you go to apply for a motor vehicle licence you will stay at the office for a long time before being attended. I used to say that I was against foreigners staying in this country but today in those offices which have been Africanized, you find that some of the black Africans are not capable of doing their work. This is shaming our country, and the Ministers should see that when an appointment is made people who are appointed are well trained and capable of doing the work. Appointments should be based on merit, not on brotherization or friends from one tribe. In speaking of this, I

[Mr. Sijeyo]

know of positions in Kisumu which have been Africanized. These were formerly held by Asians and Europeans, but now we find that our country is being shamed by the present holders' activities. This is because the Ministers in the Cabinet, the top officials in the Government, are not checking things as they were checked during the colonial days. Colonialists used to check in each Ministry and each office to see that the work was being done properly. Today, when you hear that a Minister goes to a place, you will never hear that he is checking these small offices. He waits for a report from someone subordinate, and this report is written by a person who is not working properly in the office.

On another point, Mr. Speaker, we have heard of the development plans under the hon. Mboya's Ministry.

An hon. Member: What is the name?

Mr. Sijeyo: You know it. I am not a teacher. If you want to go in a classroom, I will teach you.

Mr. Speaker, in this Ministry, there are many foreigners who are sons of millionaires and multi-millionaires in America, New York, Chicago, and so on, as well as London. They are the planners for the poor people in this country. How can a man with big money, with great wealth, plan for a poor person, for people in the countryside? When these people plan for the future of this country, they should go out in the country and see what they are going to plan for. They should go around and see how to plan for the country. I do not think I am wrong. Sometime last year, I went to the Samburu area.

An hon. Member: What were you doing there?

Mr. Sijeyo: I was organizing my party, if you do not know.

If you go to this area, you will find that in the whole district there is not a single secondary school, and even if there is a secondary school you will find that the local people there have no chance to enter such a school, because the Government has never encouraged the lower people to get education at primary schools in order to enable them to enter secondary schools. If we want to encourage the people, and we say we are working for the unity of this country, the Government should forget about Nairobi, Kiambu and even Kisumu, if that is the case, and try to go to the Turkana area, the rural areas, where people are suffering a great deal. They should try and plan for their development educationally, economically and socially.

Mr. Speaker, if an African Government today has forgotten the northern part of this country,

what are they trying to tell us about the development plan for the future of this country.

I have heard a few Members here, the hon. Mark Mwithaga, and the hon. Specially Elected Member from Mombasa, Mr. Jahazi, complaining of the Opposition. In this country, we all worked for independence, and the Opposition is making a contribution to this country for the betterment of the country. If such Members are afraid of the elections, then they should resign from politics. We do not want the people to bring petty politics in this House. If they are afraid of the forthcoming General Election, they had better go away from politics. Politics are not something to be played with. We are out to face anybody, we are going to put our candidates all over, even in Gatundu, for that matter.

The Speaker (Mr. Slade): Mr. Sijeyo, I did tell Mr. Mwithaga that what he said about the Opposition was not relevant to the Financial Statement, and having let you have a small return at him, I must say the same to you.

Mr. Sijeyo: Thank you, Mr. Speaker. I was very ashamed to hear those who call themselves representatives of the people talking of petty things, saying that the Opposition should be abolished and—

The Speaker (Mr. Slade): No, finish with that now.

Mr. Sijeyo: So, Mr. Speaker, let me turn to another point. I refer to the Ministry of Health. The Minister, the hon. Mr. Otiende, has done nothing for this country. For example, it was announced by His Excellency the President that the people were going to get free treatment and facilities in *Harambee* health centres. Now, if you go to these *Harambee* health centres, you will not even find a single drug. Again, you find that there is no staff at these centres. Furthermore, the point which is frustrating the whole country, not only the Nyanza people, is that our Government went to the Soviet Union. They agreed on a loan, and the hospital has been built in Kisumu. However, the Minister has never taken the initiative to ask the President to go and open that hospital officially. Mr. Speaker, the Minister himself employed the ladies, the nurses, in the hospital. Most of them are from Maragoli. If such a hospital employed a good number of people from his own clan, and he chose not to encourage or ask the President to go and open that hospital officially—

The Minister for Labour (Mr. Mwendwa): On a point of order, Mr. Speaker, Sir, in a case like this when an allegation is made by reference to a person who is not here, who would answer? If I were to answer I could not give anything to the

[The Minister for Labour]

House besides what I have heard. Could we ask the hon. Member to tell the House how, at least he knows?

The Speaker (Mr. Slade): Yes, the hon. Member can be asked to substantiate and in cases where a statement is made against another Member to his detriment in his absence, he always has the opportunity of making a personal statement in his defence on some other occasion, but for the moment you have been asked to substantiate.

Mr. Sijeyo: Mr. Speaker, Sir, what I was trying to tell the House is that the hospital is ready and everything is there. The facilities for workers in that hospital are all right. There is no staff in this hospital, there is no one seen in this hospital and also—

The Speaker (Mr. Slade): The substantiation that you have been asked for was that whether it is exclusively Maragoli who are employed?

Mr. Sijeyo: Yes, Sir.

The Speaker (Mr. Slade): That is to say, the hon. Member's own tribe.

Mr. Sijeyo: What I want to tell the hon. Members, Mr. Speaker, is that I used to go to this hospital and many of the ladies who are working there are from Maragoli, from the hon. Otiende's home. I am not wrong, and if the hon. Mr. Otiende were here, he can agree with me. It is only a Member who has never been to Kisumu who is arguing for nothing.

The Speaker (Mr. Slade): No, he is not arguing for nothing; he is asking you to say what you know and how you know it. Can you give the percentage of Maragoli at this hospital?

Mr. Sijeyo: The Maragoli in that hospital—the whole number in the hospital is 20 per cent of the hospital staff. Among the girls from various parts of Kenya, there are 30 per cent Maragoli.

The Speaker (Mr. Slade): I think you will agree that 20 per cent or 30 per cent is not exclusive?

Mr. Sijeyo: No, no, Sir; 30 per cent is the number.

The Speaker (Mr. Slade): You agree that is not quite exclusive?

Mr. Sijeyo: 30 per cent and if—

The Speaker (Mr. Slade): Do you agree that 30 per cent is not quite exclusive?

Mr. Sijeyo: Yes, Mr. Speaker, Sir, I have agreed. Mr. Speaker I am only objecting to—

The Minister for Natural Resources (Mr. Nyagah): On a point of order, Mr. Speaker, Sir, I wonder whether I would be in order to ask the

hon. Member speaking now, to substantiate further that the statement which he has just made that the Minister has not taken the initiative to invite the President to go and officially open the hospital; that the Minister for Health has not taken the initiative—can he substantiate that?

The Speaker (Mr. Slade): No, I do not think he can. Again, it is a case where the contrary could be alleged if it is true.

Mr. Sijeyo: Why I say that, Mr. Speaker, Sir, is that it was announced some time back that the President was going there, but later on his going to open the hospital officially was cancelled and we never knew what happened. The people were not informed of what had happened and I have the right to say that the Minister has not taken any initiative to tell the President to open the hospital officially.

Thank you, Mr. Speaker, I beg to support.

The Minister for Labour (Mr. Mwendwa): Thank you, Mr. Speaker, Sir, for giving me this opportunity to address the House.

Mr. Speaker, Sir, I have to congratulate the Minister for Finance for his, if I may say, well-balanced Budget. If I may say so, this has done the country a great deal of good. Mr. Speaker, one section of the people who I think will benefit more than any other section, are those people who have been given a free living, if I may say, this year for not paying tax and that is the class which has been paying Sh. 2 per month. Mr. Speaker, Sir, this is a very large section of the people because this includes the people who have been worrying me here in Nairobi looking for employment and also those people who perhaps have left school either in standard eight, Form IV, or Form VI and they are trying to look for employment. This is the class of people whom I think will be allowed to go free without being asked to pay any tax, and for this, I think, the Minister for Finance should be congratulated for his wise decision.

Mr. Speaker, Sir, I think it is rather unfortunate for any Member of Parliament to stand here if he has any knowledge of what is happening in other countries, for example East Africa countries, or any other countries, and say that Kenya has not moved very fast in development. Mr. Speaker, the credit goes to the President of this country and his Government and this Parliament too. Kenya has moved, and moved very fast. You will see, if anybody looked around at other countries, which acquired their independence some time before us, and also some at the same time, you will find that the development in Kenya is far ahead, and this, Mr. Speaker, Sir, I must repeat is due to the maturity of our President.

[The Minister for Labour]

There is one thing, Mr. Speaker, Sir, which I want to check very much indeed. If we ever think that the time will come when there will be nobody unemployed, we are making a very great mistake. In fact, if we follow the pattern of education we are following today to continue, I must warn this House that the number of unemployed people will become greater and greater every year. This is because the Kenya Government has laid a lot of emphasis on education and a lot of *Harambee* schools are being taken by the Government and there are others that spring up by the efforts of Members of this Parliament. If I may say, for example, before we—

The Speaker (Mr. Slade): I regret the interruption, Mr. Mwendwa, but I think I can see an hon. Member reading a newspaper. That is out of order, and the newspaper should be removed, taken out of the Chamber, please.

The Minister for Labour (Mr. Mwendwa): Thank you, Mr. Speaker, if I may say, before we had independence, Mr. Speaker, Sir, there were only two secondary schools in Kitui, but now we have 15 secondary schools within a period of five years. Mr. Speaker, that means that the emphasis which we have laid on education, is not parallel to the development, that is we are creating enough jobs for the pupils who are leaving school at all levels. Mr. Speaker, Sir, as I said before, there is nobody who is regretting this because it is a method of the people since we started the *Harambee* spirit.

The other thing, Mr. Speaker, which must be talked here is this; our fellows who leave school at a level of Standard VIII, Form IV and Form VI, have created an attitude which does not do this country any good. An attitude of thinking that they can only live if they get a white-collar job. This is completely out of fashion with the present pattern of development all over the world. Mr. Speaker, Sir, these people must know that you cannot only make millions if you are employed, you can make millions, and a very good living, if you went down to your place and started to help your parents, you shoulder the job they are doing. Mr. Speaker, you will find at the moment our people who are initially running short, coming short, keeping short when they do not know how to keep accounts. Some of them do not know how to order for things, and it is up to these children who leave school to go back and help their parents. I can assure this House, because I have seen it in my own place, that in fact some of them become very rich in a very short time. However, so long as we keep this attitude, that you can only get a living if you are

employed by somebody, we will never get anywhere. This is the attitude which has already changed in other countries. Our people must be prepared to get their hands dirty with the soil. For example, I am not a man who is frightened to tell people this and I have already told my people in my constituency in Kitui that they have to make their hands dirty in this world. You will find in other countries that they have some people with high education, like a B.A., M.A., and so on, working in the factories, and some of them are driving tractors. However, in this country, when somebody gets a School certificate, he thinks that the only work he can do is sit in an office as a clerk, a Permanent Secretary, or an Assistant Minister, for that matter, which is a completely negative and unprogressive attitude and must be changed.

Mr. Speaker, let me clear up a few points which the hon. Member who was speaking said. He accused this Government for developing only the urban areas and he really said Nairobi, Nakuru and a little bit of Kisumu, in as far as the giving of loans is concerned. The hon. Member may not know, but let me tell him this: there are two boards which give you loans, and one is a district board, a joint board, which works in the districts, and I believe that in Kisumu, or any place where he comes from, North Nyanza, or Kakamega, for that matter, has got a joint board which issues loans from Sh. 1 to Sh. 10,000. Above that we have the Industrial and Commercial Development Corporation which is based here in Nairobi, issuing loans—

Mr. Ondiek-Chillo: Mr. Speaker, would it not be in order for the Minister to correct his statement that the Member comes from North Nyanza whereas he comes from Siaya? Would it not be in order for him to correct that before that mistake is recorded? He said that the Member comes from North Nyanza, when he actually comes from Siaya District?

The Speaker (Mr. Slade): I think all hon. Members know where he comes from.

The Minister for Labour (Mr. Mwendwa): I think the hon. Member is confused because I said wherever he comes from; whether he comes from South Africa or any other place.

Mr. Speaker, if loans are over and above—

Mr. Ondiek-Chillo: On a point of order, Mr. Speaker, is the hon. Minister really in order to say that the Member comes from South Africa whereas he knows that he comes from Gem? Is that not misinterpretation?

The Speaker (Mr. Slade): Order! There seem to be one or two slips of the tongue here, Mr. Mwendwa.

The Minister for Labour (Mr. Mwendwa): Thank you very much, Mr. Speaker. I did not say he comes from South Africa; I said whether from there or somewhere else. It is true that he does not come from South Africa.

The Speaker (Mr. Slade): He would not be a Member of the House if he did.

The Minister for Labour (Mr. Mwendwa): Now, Mr. Speaker, I was saying that any loan above Sh. 10,000 is issued by the Industrial and Commercial Development Corporation which is based with its headquarters in Nairobi. Normally, when somebody fills in a form to get a loan from this body, naturally this form comes to Nairobi. Also, Sir, we have to be realistic. Since we want to Africanize the economy, the centre of commerce is naturally in Nairobi and that is where the centre of the economy is and that is where the wholesalers are. Naturally, there are Africans living in Nairobi here because this is everybody's town and it does not belong to one tribe, it belongs to all the tribes in Kenya. Therefore, any person living in Nairobi, whether he is a Kamba or a Kikuyu, or a Luo, for that matter, if he applies for a loan he gets it. Naturally you find that there are more people in Nairobi getting loans than those in outside areas. This is true, and must be corrected.

The other point I want to correct, Mr. Speaker, as the Minister for Labour is this: the hon. Member did say that when we put Africans in jobs—when we Africanize—they are not doing their jobs correctly. Let me record that we are very pleased with the African people who have been put into jobs. We are very pleased indeed. It is true, and we must appreciate this, that there have been one or two who make mistakes and there are one or two people who have been put into jail because they have stolen money. This is natural, and even in the United Kingdom, or any other country, there are people who fail to do their duties well and they are put inside consequently. However, I am very grateful because the Africans have done their work very well indeed. We never dared to hope that when they got these jobs they would do them in the way in which they are doing them now. I can tell the House that we do not regret because the Africans have done their work very well and for that I congratulate them.

An hon. Member: How many have you employed as Minister for Labour?

The Minister for Labour (Mr. Mwendwa): Mr. Speaker, some of the hon. Members in this House

should keep quiet because if we are here to say in this House how much each individual has done, they will be surprised. We can prove this but we are not here to argue for ourselves.

Mr. Mwalwa: On a point of order, Mr. Speaker, is it Parliamentary for the Member sitting down there to shout at the Minister "*Wacha maneno*".

The Speaker (Mr. Slade): Please control yourself over there.

The Minister for Labour (Mr. Mwendwa): Mr. Speaker, I have listened to so many people who accuse me but I just keep quiet. It is better to keep quiet when you are accused by somebody who does not know what he is doing.

Now, Mr. Speaker, the hon. Member did say also, if I quote well, that our planners, the people called to this country to help us to plan, come from rich countries. Let me ask him a question: if somebody is planning for this country to be rich and well, why should he get somebody from a country which has already fallen? This is not practical. Naturally, if I want advice from somebody I want advice from somebody who has succeeded and not from a failure; I do not go to a thief and ask him, "Can you plan for my family, or can you tell me what to do to improve?" This is a man who has failed in life. Therefore, we get people from countries which have developed and have helped their people to become wealthy. It is not wicked to become rich. Kenya wants to become rich; individuals in Kenya want to become rich; I want to be advised by somebody who will give me advice whereby I become rich. It is not wicked to be rich. Therefore, we are not committing any sin in asking people, for example, from America, from West Germany, from Israel, from rich countries, to come and advise us, because everybody in Kenya wants Kenya to be rich. If you want us to get people from countries which have fallen economically, it would not be good. The Member who was speaking knows the country I am talking about.

Mr. Speaker, the hon. Member accused me of not being here in the House. I have reasons not to be here all the time. The hon. Member does not know that I control the strikes in this country. Yesterday, when they were making a noise here, I was sitting down in my office trying to settle a strike, which I did successfully.

Mr. Makone: On a point of order, Mr. Speaker, is the Minister not imputing an improper motive when he says that the House was here making a noise? Is that Parliamentary, making a noise?

The Speaker (Mr. Slade): I do not think hon. Members should take offence at that, because the House does sometimes make a noise, and I think there was some noise yesterday.

Finish what you were saying, Mr. Mwendwa.

The Minister for Labour (Mr. Mwendwa): Mr. Speaker, thank you.

The Assistant Minister for Commerce and Industry (Mr. Kerich): Thank you very much, Mr. Speaker, for allowing me this opportunity to make a few remarks. I was not intending to speak but I was forced by the hon. Member who was elected recently to represent Gem Constituency because he was so confused and spoke as if he has all the cares of the world on his shoulders.

Mr. Speaker, Sir, before proceeding, I wish to congratulate the Minister for Finance for introducing a fair Budget. While the countryside and the public at large was welcoming the Budget, the Leader of the Opposition did not hesitate to hold a Press conference to criticize the Budget and say that it was made to attract votes. There is nothing wrong if Kanu wishes to attract votes. I would hate the day if the KPU was to win an election. I do not mind losing my seat as long as Kanu wins the election next year.

Mr. Speaker, Sir, coming to the point which I would like to make, where the Minister for Finance says: "I propose that in 1970 the lowest rate of graduated personal tax, namely Sh. 2 per month, for those with incomes of less than Kf48 per annum, should be abolished. This will apply from 1st January 1970. This change should not lose local authorities a very large amount of revenue if, as intended, greater efforts are made to assess correctly those who will still be liable to pay . . .".

Mr. Speaker, Sir, I would like to suggest to the Minister for Finance something about this assessment. I have come across instances whereby a district commissioner is given powers to instruct the chiefs to select the members of the assessment committee, and this is where the mistake lies. It has happened that chiefs in some areas—I live in one of them—have victimized some people. I can quote an instance whereby a chief called a public meeting and said that anybody who criticized him, he had the power to increase or reduce their graduated personal tax. I think this is an abuse of their power, Mr. Speaker, and I hope the Minister for Finance will devise a proper method whereby the assessors should be elected properly. I would suggest that in a given location, or sub-location, if the members of the assessment board

or committee are to be elected, the Member of Parliament of that area, the county councillors, the chief and the sub-chiefs, should come together and select the members of the committee. I mean the people who know the conditions of local people. In this way they will be able to assess properly those who have to pay this graduated personal tax. I think this is very important, and I hope the Members will note very carefully that the assessors should be people who know the local people, not those who are just picked by the chiefs to silence the critics. This is an abuse of the power.

Mr. Speaker, Sir, I do not want to go further on this, and I would like to come to my second suggestion, which the Minister for Finance should take into account. This is the question of going back to the land. Sir, when the President said that people should not roam in the streets of the big cities, they should go back to the land, in my own area I encouraged my people to plant sugar-cane in some parts which are suitable for planting sugar-cane, namely location 9 of my constituency. Mr. Speaker, Sir, the problem here is the question of transport on the roads, and I wish to thank the Minister for Agriculture for gazetting this area as a sugar-cane area, and the problem here is the question of the roads. Our people have paid heed to the question of going back to the land, and they have planted a lot of sugar-cane, and recently, Mr. Speaker, the people in my constituency were threatening to burn down their sugar-cane.

Mr. Speaker, being the Assistant Minister in the Ministry of Commerce and Industry, I know the sugar produced locally is not enough for internal consumption, and we are still importing sugar from Uganda. The people who have been encouraged to plant sugar-cane are now threatening to burn their cane in the settlement schemes at places like Muhoroni, where you find the people who were supposed to be paid Sh. 5,000, being given a cheque for five cents. This is ridiculous and I hope the Minister for Agriculture will pay heed to this.

If we are importing sugar from Uganda, and yet our local people are intending to burn down their sugar-cane, this is a fallacy. I hope that now the Minister for Agriculture has gazetted this area as a sugar-cane growing area, he will look into the question of transportation and the question of prices paid to farmers and so on, so that in future we will be in a position to be able to produce enough sugar for internal consumption. Mr. Speaker, this is a very threatening matter and I wish the Minister for Agriculture was here to hear and take my suggestion. I am

[Mr. Kerich]

not trying to criticize that Ministry; my suggestion is intended to draw the attention of the Ministry to this threatening situation.

Mr. Speaker, Sir, coming now to another point which is affecting my constituency and I hope if the Minister for Power and Communications were here—

The Minister for Power and Communications (Mr. Nyamweya): I am here.

The Assistant Minister for Commerce and Industry (Mr. Kerich): The Minister for Power and Communications is here, and I would like to draw his attention to the road connecting Kapsoit, Sondu, South Nyanza Road, which is a road connecting two important districts.

Mr. Ondiek-Chillo: He does not deal with roads.

The Assistant Minister for Commerce and Industry (Mr. Kerich): Power and Communications. Do you not understand? If you do not understand, then you should go back to school.

Mr. Ondiek-Chillo: On a point of order, Mr. Speaker, according to what the hon. Assistant Minister is alleging, is it not true that roads and works are under the Minister for Works and not the Minister for Power and Communications? Could you clarify that point to him?

The Speaker (Mr. Slade): To the best of my knowledge, you are quite correct, Mr. Chillo.

The Assistant Minister for Commerce and Industry (Mr. Kerich): If the hon. Member is correct, I would like to thank him for correcting me. Mr. Speaker, I do not like collisions between the hon. Member and myself. He is admitting I am his friend.

Mr. Speaker, Sir, this road which is connecting South Nyanza and Kericho should be made passable in the wet season.

Mr. Speaker, Sir, another point which I would like to mention is Amanatha Market in my constituency, known as Sondu. Most of the buildings in this market are in Kericho District, and yet the revenue accrued from the shops and the yard where cattle are sold goes to Kisumu. I see the Leader of the Opposition is showing a contorted face, but I think it is wrong to take the revenue from the shops and other various activities in this market to Kisumu.

The County Council of Kipsigis has written a lot of letters to the Minister for Local Government, saying that all the revenue accrued from this market should be paid to Kipsigis County Council, but this has never been effected. Mr.

Speaker, Sir, this is very unfair and the Minister for Local Government should do something about it.

Coming to my last point, Mr. Speaker, this is to criticize one Member who mentioned that those who travel from Nairobi on the Kericho/Kisumu Road should pay a toll of Sh. 2 towards the furtherment of education. I think this is wrong. For those who read history, Mr. Speaker, the question of tolls was abolished even in England 100 years ago, and I do not believe we can go back to the same primitive system of stopping people on the road to pay a toll. Mr. Speaker, I am sure the Member who suggested this was not acquainted with the history of the world. Mr. Speaker, I am opposing such a suggestion.

I think the Minister for Finance was correct in not including, in his Budget, that people should pay a toll on the main roads like the Nairobi/Mombasa Road. Mr. Speaker, we have a country where we do not have typhoons. In places like Formosa where they have hurricanes and typhoons which damage the roads; they have these tolls so that when the roads are spoilt by typhoons they have funds for their repair. In a country like Kenya, where we are fortunate to have good climatic conditions, I do not think the question of tolls on the main roads is very useful.

With these few remarks, Mr. Speaker, I beg to support the Minister for Finance for his well-calculated and well-timed Budget.

Thank you very much.

Mr. Kamuren: Mr. Speaker, I stand to speak joining my colleagues who have already spoken on this Financial Statement, and I have a few points which I feel I must put across to the Government, and especially the Minister for Finance.

Mr. Speaker, since this country attained its independence, people who live in the less developed areas, which were neglected by the Colonial Government, have not had anything done for them up to now. Mr. Speaker, I can quote a few of these places, for example, Turkana, Samburu, Pokot which is part of Kapenguria, Baringo, and most parts of Masai. You find time and again Members complaining of impassable roads and the Government listens very carefully here but still nothing is done at all.

You hear Members complaining, Mr. Speaker, that there are no water projects in some of these places. People still live like animals when they are already in an independent state. Mr. Speaker, there are 22 Ministers in the Government—they listen very carefully when we talk but when they go back to their own Ministries they do absolutely

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nothing towards accelerating water projects in under-developed areas; they only attend to areas which were developed by the Colonial Government.

Mr. Speaker, Sir, the Ministers should devise ways and means in which these people, who think they have been neglected by this Government, could be helped in due course by way of water, roads, and also other communications and other aspects of human life.

Coming to another point, Mr. Speaker, in my own area in particular, if one goes there with a new Land-Rover, because this is in the same connexion, you will find that the new Land-Rover cannot last for a week because the Government, and especially the Ministry of Works, has not tried to find out the reasons why there are no better roads from Marigat, which is in the Baringo District, up to Karpeddo. We know very well, Mr. Speaker, that the Europeans developed what is known as the Kenya Highlands because most of the late Members of this House came from this area. Most of the present Members of this House come from the rural areas which are less developed. The Government should have seen to it that all people enjoyed the fruits of *Uhuru*.

Mr. Speaker, coming to one of the projects which is in the Western Province, and that is the paper factory at Broderick Falls. I would have thought the Minister for Finance would have made a stand and said that because the material is found in Timboroa, and in Kaptagat in Uasin-Gishu District, which is in Rift Valley, this particular factory should be built at either Timboroa or Kaptagat. We are not going to accept that the material should be taken from the Rift Valley Province to the Western Province. This must be understood by the Government. Mr. Speaker, Sir, we cannot see the reason why this factory should go to Broderick Falls. If it is a question of water, then there is enough water in the areas I have already mentioned. If it is a question of labour, we have enough people in the Rift Valley to do the job. If it is the question of experts being brought in by the Government then the Government can accommodate them in this part of the Rift Valley to do the job. Therefore, I must urge the Government to have the factory brought into Rift Valley and be built either at Timboroa or Kaptagat which is near to the raw material required for this particular factory.

I now come to another point which is education. Mr. Speaker, Sir, the Teachers' Service Commission in posting teachers, especially the Peace Corps, has made a mess of it by sending these highly educated people to serve the developed areas, either in the *harambee* schools

or in the Government schools, without thinking of distributing them fairly to some of the schools where they can use their knowledge to help the people who are in need of it. This, Mr. Speaker, has happened several times. When the European Peace Corps come to Nairobi, and are sent to some remote parts of the country, such as Samburu, Baringo or Turkana, you find some of them saying that because of bad communications they will not go there. This is just because of lack of encouragement by the Commission—these people are not told that they have to serve the nation and should not insist that they should be posted to areas with good communications.

Mr. Speaker, this must be rectified by the Government if this country is to go for elections. Mr. Speaker, in the Development Estimates, you will find absolutely nothing being given to some Members of this House. If I may say, the present *Harambee* schools which have been taken over by the Government are subject to being given better teachers. When you go to some of the schools, Mr. Speaker, you find the teachers there are the ones which even the public feel are unable to teach, and some of them do not even know what are the methods of teaching. They know very well that the proper teachers who ought to be teaching, and who ought to be given the opportunity to help in bringing up some of our youngsters—the people who will help in the running of this country in the future—are not considered, Mr. Speaker. This is with the exception of the teachers who are given a chance of their remaining in Nairobi, or going to some places like Nyeri, Kiambu or some other places like Nakuru, where communication is easy. This is wrong, Mr. Speaker, if I may say so.

I would like to touch another point concerning loans. The hon. Member, Mr. Biy from Buret, who is my friend and whom I do not want to challenge, has spoken about the Industrial and Commercial Development Corporation distribution of loans having failed. I wish he were here. He is telling us to vote more money to Industrial and Commercial Development Corporation. If we vote more money to Industrial and Commercial Development Corporation, and this money is spent here in Nairobi, this money is going to be given to people from one tribe. How can we then vote for it? The Industrial and Commercial Development Corporation has a lot of money. The Member has analysed how much money it has given in each every province. If you consider the case of Rift Valley, what has gone there has not been given to the indigenous people of that province, but it has gone to the people who have been invited to live in that province. These people

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are friends—this is because, these people in the Industrial and Commercial Development Corporation are friends of that tribe.

Mr. Speaker, Sir, the Member has told us that everybody is given money. I can give particulars of two or three people who applied for money in the form of a loan from this particular Corporation. Their applications have been turned down without being given specific reasons. I have also the particulars of another person who had the necessary security. He indicated the security in the form which he filled. When he sent the form to the top officers here, he was given a reply to the effect that the security was not enough to warrant him the loan he wanted. If this particular person was of the same tribe as the person who received his application, I am sure he would had been given the loan.

Members are saying that there is no tribalism. Mr. Speaker, Sir, tribalism is in the blood of human beings. I suggest that we assume that there is no tribalism. However, our people in this country know there is. They are just as clever as Members in this House. What we say is what they know.

Mr. Tsalwa: To which tribe are you referring to?

Mr. Kamuren: I am referring to the tribe that dominates everything, loans, farms, everything.

Mr. Speaker, Sir, looking at this Development Estimates of 1969/70, I find that everything has gone to many other places.

Mr. Tsalwa: On a point of order, Mr. Speaker, I think this is very serious. I would like the hon. Member to substantiate by telling the House the name of the tribe that interferes with the loans that the people of Kenya from other tribes have applied for.

The Speaker (Mr. Slade): No, I do not think it will help, Mr. Tsalwa. It is all too familiar.

Mr. Kamuren: Mr. Speaker, Sir, the Member who is interjecting has no spare wheel for his car. He should be very careful. I do not want to go further than that.

With regard to the Development Estimates for 1969/70, you will find that the irrigation schemes have been given more money for development. However, taking the case of Kerio Valley, which I remember, once the Minister for Agriculture visited to survey the situation, as he was moving to Eldoret, after the soil experts had gone into the soil research. Up to now it is not in this book. Everything is centred in Kisumu. Everything is taken to South Nyanza. The projects are being directed there. This is simply because the

Minister who happens to be responsible for Economic Planning is a Luo from South Nyanza. But why is he running away from Nairobi?

Mr. Speaker, Sir, I would like to touch on two points here. You will find that the loan for Mwea scheme extension has been given, grants for Tana pilot scheme have been given, a loan for Kanoi Irrigation Scheme has been given, a grant for Ahero Irrigation Scheme Research Station has been given, a grant for Kano development has been given, a loan for Mwea rice extension has been given. Mr. Speaker, Sir, none of these is in Rift Valley, as a province, Rift Valley is composed of many of these tribes who should be considered. Mr. Speaker, we have to develop this country. It is a province which is composed of certain districts, the biggest of all provinces in Kenya. But, Mr. Speaker, you will find that there is nothing given to us. Even Kerio Valley, which we thought was included in the Development Estimates, does not appear in the said Estimates. Where are we going to get the money to develop this part of the world? We are told that the Government distributes money for development fairly to all parts of the country. Where is the fairness? Where are we told this money is going to? This is because we do not see it here. Unless, in fact, we are told in future that the people who plan the distribution of this money will see that each and every tribe in this country is represented, it is no good. We should not be told that there is no tribalism in Kenya when we can, in fact, see it in the distribution of this money; it is practised in each and every district in this country.

I would then like to talk on unemployment. The Minister for Labour has spoken nothing. He has told us nothing by citing that B.A. and M.A. can be employed to drive tractors. This is completely vague. This is because I have never seen him employing B.A. or M.A.-holders to drive a tractor. Mr. Speaker, Sir, in this country, the manpower is not to be wasted to that extent. It can be wasted if only each and every job is filled. It is only when such state of affairs arise that we can make them to do such work. We should not be told that in some countries, people with M.A. or B.A. are employed as tractor drivers. In fact, we can speak of other countries, but that does not happen in Kenya. We must speak of development in this country. Mr. Speaker, Sir, the Minister told us also that some people must go to their parents and depend on them because of unemployment. Who, in this country, has educated his children and then is expected to employ them and, for that matter, pay them? Instead he expects the Government to employ them.

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I know that there are people who loiter here and there, in Nairobi, looking for employment. When they come to us, we go to one of the Ministries and look for employment for them. When we miss employment, for our people, we should not be told that in some countries B.A. and M.A.'s are also affected by lack of employment. We should not speak of plans we have no experience of, we should speak of our experience in Kenya.

Mr. Speaker, Sir, with few remarks, I beg to support the Financial Speech with a reservation. I feel that the Government should take my suggestions very seriously.

Mr. Makone: Mr. Speaker, Sir, I would like also to make some few comments on the Financial Statement which was given by the Finance Minister. Mr. Speaker, Sir, my speech will not be long, as I will only make some few observations about the statement.

First of all, I would like to say something about planning. I am very grateful that the Minister for Economic Planning is here to take note. Mr. Speaker, last week, on Tuesday, I saw a group of agricultural instructors from Kenya, about eleven of them, going to the United States to train some young Americans who would in turn come here and teach our people. Sir, time and again, in this House, we have said that we have manpower which should be exploited. These young people, known as the Voluntary Service Organization, who come to this country, have no more knowledge of this country than our people. These people from America come here and—I read from the newspapers—spend five weeks being trained. Mr. Speaker, what is the logic behind the Ministry of Economic Planning of sending eleven African instructors to America, somewhere in the western part of this country to train some young Americans so that they can come here and teach us what to do? Is that planning?

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order, Mr. Speaker, I would like to know which eleven instructors I sent to America? The hon. Member has said that the Minister for Economic Planning sent eleven instructors to the western part of America. I would like to know which eleven instructors?

The Speaker (Mr. Slade): The hon. Member may not be able to say which eleven instructors, but he is being required to substantiate that you did send eleven instructors.

Mr. Makone: Mr. Speaker, I did not say the Minister, I said the Ministry of Economic Planning—which amounts to the same thing—did—

The Speaker (Mr. Slade): You are being asked to substantiate that, Mr. Makone.

Mr. Makone: Mr. Speaker, in the newspaper, last, Tuesday—I cannot remember rightly whether it was Monday or Tuesday—there was an article in the *Standard* that eleven African agricultural instructors were sent by the Kenya Government to the United States to give training to the American Voluntary Service Organization so that they can come to this country to work as volunteers. This, to my understanding, is the general trend of planning for this country, and that is why these people are brought here.

The Speaker (Mr. Slade): Well, that is substantiation of the hon. Member's statement that eleven instructors were sent. It does not quite show which Ministry. Perhaps you do not know which Ministry it was, Mr. Makone?

Mr. Makone: You are right, Sir, that I do not know which Ministry. I cannot recollect which Ministry they were sent from. I thought this came under the umbrella of the general planning of this country.

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order, Mr. Speaker, I think it is important that when Members make allegations, in this case directing it specifically to the Ministry of Economic Planning and Development, and then he says he read it in the newspaper—he should be able to tell us what he read. If he did not read the name of the Ministry of Economic Planning and Development, then on what grounds does he mention the Ministry?

The Speaker (Mr. Slade): Quite so. He told us what he has read and he acknowledges that it did not point to your Ministry. He jumped to that conclusion, obviously wrongly.

You will now acknowledge, Mr. Makone, that you were wrong in assuming it was the Ministry of Economic Planning and Development.

Mr. Makone: Mr. Speaker, can I then withdraw the part which refers to the Ministry of Economic Planning. I, therefore, say that the Government is wrong.

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order, Mr. Speaker, you ruled earlier this afternoon regarding what people read in newspapers and how they make use of it in the House. Could you tell us, in this particular case, where the hon. Member relies on the newspapers, just how this relates to the ruling you made this afternoon?

The Speaker (Mr. Slade): Yes, I am very glad to do that.

The ruling I gave this afternoon was only on a specific Standing Order which deals with Questions, and it prohibits questions which inquire whether statements in the Press are true. When it comes to an hon. Member making an allegation in the course of debate and relying for that allegation on what he has read in the newspapers, that is in order. It may or may not be very strong substantiation, but it is justification for his saying it. There is no rule against that.

Mr. Makone: Mr. Speaker, there was a photograph of eleven people waving goodbye to their friends. They were people, they were not cattle.

Mr. Speaker, Sir, the Minister who has just sat down is acting on collective responsibility, and if he denies that there is no collective responsibility, then I do not understand the position. Sometimes we are told that they—

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order, Mr. Speaker, is the hon. Member right? He has already withdrawn reference to the Ministry of Planning and Development. There is no point at which I contested the existence of collective responsibility, I rose on a point of order to direct him to this particular question. I do not see how the collective responsibility comes in.

Mr. Makone: What is the matter with you?

The Speaker (Mr. Slade): I think it is a very fine point.

Shall we get on with something else?

Mr. Makone: Mr. Speaker, there is another point I wish to put forward in connexion with these eleven people who were sent to America by the Government to train—

The Minister for Power and Communications (Mr. Nyamweya): On a point of order, Mr. Speaker, can the hon. Member overcome his difficulty by laying on the Table the newspaper he is relying on?

The Speaker (Mr. Slade): There is no need for that. I have said many times that hon. Members do not have to lay on the Table publications which are available generally to the public.

Mr. Makone: Mr. Speaker, you see, this Front Bench is a quarrelling family. They must organize themselves.

The Speaker (Mr. Slade): Do not let them disturb you.

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order—

The Speaker (Mr. Slade): I think I shall have to protect the hon. Member from further points of order.

Mr. Makone: Mr. Speaker, Sir, thank you. I am very grateful to you, Sir, that you can see that I have a point and that is why you are protecting me in this manner.

Sir, we have school-leavers with good certificates who are at home. We do not need, in terms of volunteers, American or any other people unless they are really experts on certain aspects of the Ministry's work. We have already people working on major roads, and these are volunteers under the cover of the National Youth Service. In such cases our school-leavers must be taken into account so that this money, which I understand is being spent on petrol and on housing these young Americans, can be given to our people.

One more important point about the Ministry of Economic Planning is this. If you travel to Kisumu through Kericho, on the left-hand side you see large estates of tea, while on the side you see only little *shambas* of half an acre, one acre and so forth. What is the underlying principle of this difference? You hear on one side people being told that they cannot expand on tea, while on the other side some people are, day and night, clearing the bush, large tracts of bush, in order to plant tea. On the African side you cannot expand tea. This is wrong planning, Mr. Speaker, it is completely wrong planning.

The Speaker (Mr. Slade): Order! I will have to interrupt you now, Mr. Makone. It leaves you three minutes, I think, which you can have when the debate is resumed.

It is time now for Mr. Lubembe to move the adjournment of the House. Mr. Lubembe.

MOTION FOR THE ADJOURNMENT UNDER S.O. 20

DESTRUCTION BY FIRE OF SHANTIES IN NAIROBI

Mr. Lubembe: Mr. Speaker, Sir, I beg to move that the House do now adjourn.

Mr. Speaker, this afternoon I informed the House about the problem of our people in Kaburini, which is in my constituency.

An hon. Member: Are they alive?

Mr. Lubembe: Mr. Speaker, the hon. Member is asking if they are alive. They are very much alive. The place is called Kaburini.

Mr. Speaker, yesterday morning at about three o'clock, about 156 houses were destroyed by a fire as a result of an accident caused by a

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lady, perhaps smoking or making a fire to boil water to make tea. These houses, Mr. Speaker, had an average of about seven rooms in each house. You can call them shanties, but people live there. If the hon. Member lived there, or if his very close cousin was living there, he would not call them shanties. 156 houses, Mr. Speaker, with an average of seven rooms each, this totals to 1,092 rooms. We have calculated an average of five people per room, because we found some people had five children, some had three in a house, or some four, and some just one, some six and so on. We have used an average of five people for each room, and this amounts to 5,460 people living in this particular place.

Mr. Speaker, these people are now out with their children. Some ladies, who are blind, have a few children, and they have nowhere to shelter these children. We may not think about the money which they spent in building these shanty houses, but the point is that these people are now house-less and have nowhere to go for shelter.

Before I go further, Mr. Speaker, it is necessary for me to thank the Red Cross, the City Council of Nairobi, and the District Commissioner, Nairobi. This morning they were trying their best to bring in some food and clothes to assist these starving families. I can say, Mr. Speaker, that by moving this Motion, I am not in any way blaming the Government or putting anybody on the defensive. It has not been long since we had this problem and I did not have the chance to bring it to the notice of Parliament, but hon. Kamwathi Munyi did so, and I was very thankful to him. Even if I had not brought up this Motion I am sure another hon. Member would have taken the opportunity to bring up this matter to the attention of the Government and of this hon. House.

I can say, Mr. Speaker, if we talk about the money which these people have lost, it would amount to a lot of money. We can estimate that these houses might have cost an average of Sh. 200 each, and if you multiply 156 by 200, this would amount to Sh. 31,200. If we estimate, Mr. Speaker, that each house has lost property worth Sh. 100, this would amount to Sh. 3,120,000. This is a lot of money. We have no way of refunding this money to them, but let us, as the people who are responsible for every individual in this nation, do something about it. I am appealing, Mr. Speaker, to the Government, the Ministry of Defence, Ministry of Labour, and other Ministries, to see what they can do. It might be possible to have some tents to shelter these people, as we do not have any place to which we can move them.

I must say I recognize that the Government is trying its best to help the landless people, and that is why they have appointed the Commissioner for Squatters. I am not very happy with the word "squatters", because it is very colonial; I feel it should be the Commissioner for Illegal Residents. I think, Mr. Speaker, that the Minister of Lands and Settlement should assist and try to see what it can do to assist these people in any way it can. This being a big problem, which is at the moment affecting the City Council of Nairobi, it is for the Ministry of Local Government to try its best to see if anything can be done.

I am not saying they have not done anything, but I know the city council is reluctant to allow these people to continue building more shanty houses in that area. Since the people have not been repatriated from the place, what are we going to do to settle the children who are there? What are we going to do to shelter the old people there? What are we going to do, Mr. Speaker, to shelter the expectant women there? This is why I am appealing to all friends, and the Government to see that we do something to help these people to have somewhere to stay.

The other point which I would like to bring forward, Mr. Speaker, Sir, is the question of what happens next when these people have been settled? I feel the time has come for we, the Members of Parliament, to try and request the Government to try its best to see it assists the people in the urban areas to be settled somewhere. It is not only in Nairobi because I have seen these shanty houses in Mombasa, in Nakuru; I have even seen them growing in some areas like Thika. It is something which is now often seen in urban areas in this country. I am not saying it is a problem in Kenya only. I have seen shanty places in Lagos, I have seen them in the United States, in New York, and other places. I have seen them in Paris. I have seen them in the United Kingdom and many other places. The solution can only be found if all of us do not think that whoever is talking about it has a different interest. My speaking here does not mean it is only myself who is very much concerned about this problem.

I recognize, and know very well, that all Nairobi Members, and the other Members in this House, are very much concerned about this problem which affects our own people. In that particular place today—I am glad the hon. Omweri is here—I met some Kisii people. I met some Abaluhya people there. I met some Wakamba people there, and they have all lost houses. Although 90 per cent are not from that particular area, the truth is that we have a few people from all parts of Kenya.

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I would also say, Mr. Speaker, that if we are interested in helping, then the time has come when we may, as Members of Parliament, sit down or form a committee here which should deal with the problems of people who are living in shanty places, or the squatters who are a worse problem to this House. I know we have a committee which advises the Minister for Lands and Settlement, there is a Ministerial Committee here on which every Member is entitled to serve. I understand hon. Kariuki is an expert on all the committees' work. He gave me some advice and I thank him for his advice. I think it would help, if the hon. Members— We had the Committee on Africanization, which dealt with a lot of these questions, and we had another one, and why I called the hon. Kariuki an expert is that he was the chairman of another committee on squatters and settlement.

Mr. Speaker, if we could have a committee here, composed of Members of Parliament, one Member from each province, to deal with the problem of shanty towns and so on, and then the Minister for Local Government could advise the county councils and also the City Council of Nairobi on what to do, this would do a lot of good.

Lastly, Mr. Speaker, I would like to say one thing which is very important. Some of these people are registered, about 3,800 were registered in 1965, and since we have had a commissioner appointed, the Government should try its best to see these people are registered every year. We would then know who has come in and who was not there. At the moment it is difficult to say that So-and-so came from the rural areas, and So-and-so was there before because registration has not taken place since 1965, and everybody who is there has already registered in that particular constituency as a voter. I would say that because if registration is required for these people, all people who have taken their registration vote in that area should be registered. They have registered here and you cannot move them anywhere. If you move them to Murang'a, to Nyeri, to Kirinyaga, to Kiambu or wherever they want to go, then this will cost whoever wants them to come here a lot of money—when they will be required to come to do their most important duty of voting. It is a right which entrenched in our Constitution and we cannot just move our people. If we move them, then we will have to undertake the duty of bringing them back when it is time for them to vote.

This being the case, Mr. Speaker, then those who have already registered in Nairobi, and are living in a shanty house, should be given the

chance to be registered as people who need assistance from the Ministry of Lands and Settlement.

I would also say, Mr. Speaker, that the problem of these people can never be taken lightly because it is affecting human beings. It is affecting the people of this country. It is affecting all of us.

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

The Speaker (Mr. Slade): Mr. Karungaru, I have to ask you to be rather short, because we will be interrupting business not later than 6.45 p.m. and I need to allow the Minister a little time to reply. I would point out that I allowed Mr. Lubembe to range fairly widely over what is to be done about shanty towns in general, but the only urgent and definite matter of national importance which I really allowed him to raise today was the problem of these particular homeless people, and I think we should keep pretty closely to that for the rest of this evening.

Mr. Karungaru: Mr. Speaker, I must say I am not interested in discussing this matter in general, but I would like to particularly discuss this specific case.

Mr. Speaker, I have been to the scene of the fire and I have seen the position of these people, and I have seen the children. I have also seen how their houses and property were destroyed. It is a pity that a situation like that one has happened, but let us not forget that this did not happen because of these people. I must say that it was unfortunate that it happened.

Mr. Speaker, we have to sympathize with the people when, of course, these people have been confronted with a situation like this one. We must be very particular, especially on behalf of the children. There are some children who have been attending schools and because now they do not know where to live when they come back, they are more affected. We would like the Government to do something to see that these children have shelters. Mr. Speaker, we have time and again been pressing this question of helping these people living in the City Council of Nairobi, but very little response has even been provided by the Government. It is now high time that the Government should do something for these people because this fire is not the first fire which has broken out in this city.

Mr. Speaker, there have been several other places in which fire has destroyed some of these shanties and has left these people hopeless and without knowing where to go. Is it not true that if the Minister for Local Government can

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negotiate with the Minister for Lands and Settlement something concrete and something constructive can be done for these people to save the position and the health of these people? It is not only a matter of saying that the place was destroyed; if you happen to go there, Mr. Speaker, Sir, you can feel shame on seeing people living like animals. They have no water; they have to go and fetch water from very far distances and sometimes they do not get water. These are the people. We know a place in America where these shanties are also found. I remember one day when I was reading about America, I found that there were so many rats that they were more than even the population of the people of America.

The Speaker (Mr. Slade): Mr. Karungaru, I would remind you of what I said. I can see that there is a large problem of shanty dwellings, but we are not on that this evening, we are on this particular large group of homeless people.

Mr. Karungaru: Mr. Speaker, I am mentioning this because when I visited the area I found that one child had chickenpox disease. That is an infectious disease and it can attack so many people. We have to say in this House that we do not want such a situation to come about.

Mr. Speaker, our interest here is to see that the Government should not only come in and help by providing only shelters, food and clothes; they should go there and help them in getting an alternative shelter elsewhere. In Nairobi there is no committee like the ones operating in the rural areas which can provide the landless people with land. In Nairobi here, Mr. Speaker, Sir, the whole thing has been ignored. This is a hard fact which I have stated time and again, Mr. Speaker. I have put so many questions in this House relating to this particular matter, but nothing has ever been shown or done. Now, it is high time, after having come across a situation like this, for the Government to help us so that we may avoid havocs of this kind.

With these few remarks, Mr. Speaker, I appeal for the Government to do something for these people who have now been affected.

I, therefore, beg to support.

(Question proposed)

The Assistant Minister for Local Government (Mr. Munoko): Mr. Speaker, Sir, it is quite true that a fire did occur at Kaburini on Wednesday, which swept through all the shanty buildings in that area. The Government has every sympathy for those people who have suffered this great loss and we do appreciate the ordeal which many of them must be experiencing at this time.

Mr. Speaker, as to the amount of property which has been lost in the fire, it is difficult at this stage to estimate it because very few people have so far come forward to give figures of what they think was lost in this fire. Therefore, at the present time it is difficult to say what loss has been incurred, and so we have to hope to get more information on this matter.

Mr. Speaker, as to the number of people who have been affected, it is also difficult to know how many were actually affected in this fire. The same does also apply as to the number of shanty houses which were affected. Since the hon. Member has given the number of 156 houses, and the number of rooms—obviously he was there—this must be taken as a guide as to the number of houses that have been destroyed. Therefore, the exact number of people and houses involved is still a matter which has to be ascertained.

Mr. Speaker, prompt action has, in fact, been taken on this. The city council is considering these homeless people and assisting them with food and clothing. As the hon. Members who have been in that area have seen, the Red Cross has also moved in and every effort is being made to help these people so that they do not suffer unnecessarily.

Mr. Speaker—

An hon. Member: What are you doing?

The Assistant Minister for Local Government (Mr. Munoko): Mr. Speaker, the hon. Member asks me what I am doing. We are doing, as a Government, all we can. It is not necessary that I, as Munoko, should personally be there so that something is done.

Mr. Speaker, the Commissioner for Squatters has also been in the area and an urgent meeting was held yesterday to discuss ways and means of helping these people out.

Therefore, Mr. Speaker, the hon. Members can see that the Government is anxious to find a solution to this problem.

Mr. Speaker, as one hon. Member has already said, a fire did also occur last year in this very area and one person was killed. It is very nice to note that damage was not done this time to the extent that a person lost his life. The point here, Mr. Speaker, is this, people have gone ahead and built these shanties in places where they are not supposed to build. The city council has its by-laws which guide it and which should guide everybody who wants to put up any building in the city. If this were not done, we would have situations such as this one where fires would frequently break out and cause damage and loss

[Mr. Munoko]

to properties of our people. Also, this leads to diseases breaking out and no doubt hon. Members are aware that diseases have broken out elsewhere as a result of this sort of building growing up with very heavy populations because it is very difficult to keep the health of the people in such places to a high standard. So it is important, Mr. Speaker, that the hon. Members should educate the people to the fact that it is not just a matter of the city council saying "No", when it ought to be saying, "Yes", and it is not just for fun but to keep the city free from diseases in order that the people are healthy. Sir, overcrowding is far from being a thing which is required in this country.

Mr. Speaker, the city council has gone ahead to put up areas where health could be given and people could build some houses of fairly high standard, at least higher than what is pertaining in these areas. If you realize, Sir, that in a place like Kariobangi—where we have had two phases, the first phase and now we have the second phase—houses are being provided for these people to go ahead; many are being re-settled.

Very recently, Mr. Speaker, in Mathari Valley, where there have been considerable hardship experienced, they city council is taking action. It is only by people co-operating in these schemes that we will be able to keep the city clean. Also, Sir, in this way such fires will be minimized. So long as we continue to have shanties built of hardboard, we will continue to have these hazards. I would have thought that people who are putting up these shanties should have learnt by now because fires are breaking out every now and then in these places, causing very heavy damage and loss to the people. I would have thought that people would have learnt from this, so that we all get away from this problem.

Mr. Speaker, I can assure the hon. Member that the Government is doing all it can to see that these people do not suffer hardships.

The Speaker (Mr. Slade): Mr. Gachago. Can you keep it to three or four minutes?

The Assistant Minister for Lands and Settlement (Mr. Gachago): Yes, Sir. There is so little time that I cannot say much. I will have to deal with only one or two things.

The first thing, Mr. Speaker, as you have rightly guided the House, there is no question of issue of the settlement of these people. The question of the settlement of these people does not actually arise out of the issue that confronts the House this evening.

There is the political side of this matter and there is also the human side of this matter. As the Assistant Minister for Local Government has explained, the Government is doing everything possible to tackle the political side of the whole issue.

What I would like to find out, Sir, from the hon. Mover of this matter is, what is everybody else doing about the human side of it? The Red Cross organization, I understand, is very busy doing something for these people. We all know that the Red Cross is a benevolent organization. Now, how many Members of this House are members of the Red Cross Society?

Hon. Members: Are you a member?

The Assistant Minister for Lands and Settlement (Mr. Gachago): I am a member, Mr. Speaker, if anybody wants to know.

It is the subscriptions collected by such organization, from people of different walks of life, that go to help in emergencies like the one we have recently had. It is very good to give verbal donations, it is very good to show verbal sympathy, but in a situation like this, Mr. Speaker, it is where sympathy should be indicated also by action. I would have imagined, at this time, in addition to moving this issue in this House, that the hon. Member for the area would have gone around to all hon. Members asking what sympathy they have, how they do signify their sympathy by donating something that will go to buy food for the starving children, the starving people—

Mr. Lubembe: On a point of information—

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, if the hon. Member has done something—

The Speaker (Mr. Slade): I think, Mr. Gachago, having challenged the hon. Member, you owe it to him to give way for his information as to what he has done.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Well, Mr. Speaker, if what he wants to ask is whether— If what he wants to know— If what he wants to inform me is that he is doing something towards this—

The Speaker (Mr. Slade): I think you ought to allow him to tell you.

Mr. Lubembe: Mr. Speaker, I was there in that place the whole day. We did what we could to distribute food.

We have called a meeting on Wednesday. I am inviting the Member to come and donate something. I am going to collect this money. I hope he will come to the meeting on Wednesday.

The Speaker (Mr. Slade): You can have another minute or two if you want, Mr. Gachago.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Thank you, Mr. Speaker.

Sir, if the hon. Member had waited he would have understood what I really meant. I do appreciate that he is doing all he can on the spot. But what have we, individually, as Members of this House, so far done about this problem in terms of its urgency? I would have expected that the hon. Member would have come to me, approached me personally, and asked me, "What can you do about this matter"? I appreciate that he has been busy doing something—

Mr. Lubembe: On a point of order, Mr. Speaker, is it not imputing bad motive, saying that I have no responsibility to say anything in this House and that it is only my responsibility to approach people? Is that not—

The Speaker (Mr. Slade): Order! No, no. That is a bad point of order.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, I wish I could really make the hon. Member see eye to eye with

me because I do not blame him at all. I am just giving him some advice.

What I am trying to say is that we all have a responsibility. Each of us should have a certain amount of responsibility, and we should all do something instead of merely talking. In addition to what we might say in this House, Mr. Speaker, I am saying that each one of us must do something, each of us must give something that is going to help these children. If the hon. Member—

The Speaker (Mr. Slade): I will have to interrupt you now, Mr. Gachago.

ADJOURNMENT

The Speaker (Mr. Slade): It is time now for the interruption of business, hon. Members. The House is adjourned until tomorrow, Friday, the 27th June, at 9 a.m.

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

Friday, 27th June 1969

The House met at Nine o'clock.

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 309

TRAINING OF SUB-CHIEFS

Mr. Omweri, on behalf of Mr. Tialal, asked the Minister of State to the President's Office if he would tell the House since, training was essential to public servants, why then had the Government ignored the training of sub-chiefs.

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

On the contrary, the Government has not ignored the training of sub-chiefs at all. However, it must be appreciated that at independence the Government was faced with a massive programme of improving the people and personnel at all administrative levels. This culminated in having too many entrants who have joined the service without adequate training and, up to date, it has not been possible to send our sub-chiefs and new chiefs for training courses, but that, Speaker, does not necessarily imply that they have been ignored.

Mr. Omweri: Mr. Speaker, Sir, since the Minister agrees that there is a kind of programme of training, but there are too many chiefs to be taken at one time, and since independence we have not had all of our sub-chiefs taken for this training, would he consider decentralizing the training centres, so at least one will be in each area or district, a centre where these sub-chiefs would go for refresher courses so that the training is quickened.

Mr. M. Koinange: Mr. Speaker, Sir, I appreciate that point and arrangements exist at Maseno and the Kenya Institute of Administration. Some of the points the hon. Member raised are exactly those which we are planning to do.

Mr. Shikuku: Arising from that reply, in which the Minister, more or less, accepts the need for training these people, would he not make it his business, in view of the importance of this and of the fact that Maseno and Kenya Institute of Administration are only two places, to see that people are trained in their own divisions, because many of the sub-chiefs do not know what they are doing apart from harassing the people? They need a training.

Mr. M. Koinange: Mr. Speaker, Sir, the need for training is most essential and well accepted by the Government. The two places I mentioned, were just examples; and, in each province, the Provincial Commissioners are supposed, not only to collect some of the chiefs and headmen; but even at district level, the district commissioners call meetings and *barazas* aimed at preparing, in some way or the other, these chiefs and sub-chiefs. The question of educating them does exist.

Question No. 304

BUILDING PROGRESS OF KANU HEADQUARTERS

Mr. Godia, on behalf of Mr. Cheboiwo, asked the Minister for Works if he would tell the House—

- (a) what was delaying the building of the Kanu Headquarters;
- (b) what was the next step he had taken to see that the other parts of the building were completed; and
- (c) how long the building would take to complete.

The Speaker (Mr. Slade): No one from the Ministry of Works to answer?

The Assistant Minister for Works (Mr. Godana): Mr. Speaker, Sir, I beg to reply. I am sorry I am late in giving the answer.

(a) Nothing is delaying the building of Kanu Headquarters. As the hon. Member will recall, a decision was taken to do the building works in two phases, namely Phase I comprising the—

Mr. Shikuku: Is it in order for the Minister for Works to go wandering around on the Floor, crossing the Floor like he is doing?

The Speaker (Mr. Slade): It is out of order, Mr. Mwanjumba, to walk freely in that part of the Floor. You know, if you want to cross, you cross at the Bar.

Mr. Mwalwa: On a point of order, Mr. Speaker, Sir, If an Assistant Minister fails completely to discharge his duties in the House, what does the House do? I am asking your guidance on this, Mr. Speaker. If an Assistant Minister, for example this one, fails completely to read properly and satisfy the House, what does the House do in such a case?

The Speaker (Mr. Slade): You have ways of making your dissatisfaction known.

You can continue. Mr. Mwanjumba, will you please step in? It is question No. 304.

The Minister for Works (Mr. Mwanyumba): Mr. Speaker, Sir, I beg to reply.


Nothing is delaying the building of Kanu headquarters. As the hon. Member would recall, a decision was taken to do the building works in two phases, namely Phase I comprising the erection of the structural frame only and all the basements up to the podium level. This contract has now been completed satisfactorily. Phase II would comprise the erection of the rest of the structure, together with the completion of the finishes to both Phase I and II. The hon. Members will recall that this procedure was adopted in order to enable the architects and other consultants to have a breathing space to complete the design of the whole project.

The reply to (b) is: now that the architects, the structural engineers, mechanical and electrical engineers have completed the major portion of their work, the quantity surveyors are now busy preparing tender documents, including bills of quantities, to enable the Ministry to invite tenders from firms of interested contractors. In this connexion, I would like to inform the House that tenders for mechanical services have already been received and are being analysed by my officers.

It is estimated that the building will take a further 2½ years to complete from the date the contract is awarded.

Mr. Godia: Mr. Speaker, Sir, arising from that satisfactory reply from the Minister, can he tell the House how soon the next phase will be started?

Mr. Mwanyumba: Mr. Speaker, Sir, if the hon. Member was listening, I said we are already processing documents and as soon as the officers are ready with the documents, tenders will be called. I hope it will not take long before the work is started again.


Question No. 255

COMPENSATION FOR DAMAGE DONE BY
GAME ANIMALS

Mr. Mbai asked the Minister for Tourism and Wildlife if he would tell the House whether, since some county councils which received controlled area fees had failed to establish compensation funds to pay those who suffered loss of property or crop from wild game, he would now consider retaining either whole or part of that money for compensation in respect of those county councils.

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

My Ministry is fully conscious of the problems relating to our wildlife resources, especially—

Mr. Shikuku: On a point of order, Mr. Speaker, in view of the fact that the Minister was not present when this question was to be answered and that this is the second time it is being brought forward, is it not in order for him to apologize for not having been in on time?

The Speaker (Mr. Slade): I cannot insist on it as a matter of order, but it is the usual courtesy for a Minister to apologize when he has been late. Perhaps, Mr. Ayodo, you did not realize we had come to the question and had to pass it because you were not here. You probably did not know.

Mr. Ayodo: I did not know, Sir, but if it is considered proper, I do apologize.

Mr. Speaker, Sir, I beg to reply. My Ministry is fully conscious of the problems relating to our wildlife resources, especially as regards cases where, occasionally, an individual is called upon to carry a heavy burden of personal loss caused by wildlife. Such losses which are suffered for the common good should evoke sympathetic consideration and, whenever possible, should be offset with some form of compensation. It is for this reason that my Ministry has not only always encouraged, but advised, county councils which receive controlled area fees to establish a fund from which compensation may be paid for genuine claims of loss directly attributable to wild animals.

It is not clear which county councils the hon. Member is referring to, but during the past five years, a total sum of £135,547 has been collected by the Game Department in controlled-area fees on behalf of county councils. Mr. Speaker, the Government spends considerable sums of money every year in providing Game Department staff whose responsibility it is to prevent damage to property or injury to life, but it would not be possible for my Ministry to deal with claims for each and every local game damage case. County councils are better equipped to deal with such problems which, normally, require a committee of local men to assess the extent of damage. For this reason, I do not consider it wise now for the Government to retain either whole or part of the moneys accrued from controlled-area fees for compensation in respect of county councils.

Mr. Mbai: Mr. Speaker, Sir, arising from that very long reply from the Minister, will he tell this House how many of the county councils receive the controlled-area fees and how many have formed compensation funds so that they may be able to pay compensation to people who suffer losses from wildlife?

Mr. Ayodo: Mr. Speaker, Sir, I have a long list here of county councils that are entitled to receive, or do receive controlled-area fees. I will

[The Minister for Tourism and Wildlife] read the names of the county councils for the benefit of hon. Members: Tana River District is one, Lamu, Kilifi, Kwale, Mombasa, Taita, Marsabit, Isiolo, Meru, Embu, Kitui, Machakos, Kirinyaga, Turkana, Samburu, West Pokot, Elgeyo Marakwet, Baringo, Narok, Kajiado, Wandera, Wajir and Garissa.

Question No. 307

TEACHER-TRAINING RECRUITMENT, RIFT VALLEY

Mr. Shikuku asked the Minister for Education if he would tell the House whether it was still the practice to recruit students for training at P.1 and P.2 levels on a regional basis, namely East and West of Rift Valley.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I notice that this question had been asked before a representative of the Ministry arrived, and I would like to take this opportunity to apologize for coming late.

Mr. Speaker, Sir, I beg to give the following reply. No, Sir, students for training at P.1 and P.2 levels are selected on a national basis rather than on a regional basis. In any case, Sir, I wish to inform the hon. Member and the House that the concept of regionalism in education is no longer practicable in Kenya, and therefore, old bodies known as Western and Eastern Kenya Training Syndicates have long since been abolished.

Mr. Shikuku: Arising from that reply, that the syndicates have long been abolished, is the Minister aware that in the western part of Kenya there are very many students who would like to train as teachers, but they cannot get chances because all the training colleges have been filled up by students from other parts? Is that the way we get *umoja*?

Mr. Mutiso: Mr. Speaker, Sir, as I said, if the hon. Member has a case where he thinks certain schools or teacher training colleges are filled by a particular group of people, this will be investigated. However, as far as I know, students for such training are selected, as I said, on a national basis, purely on qualifications and merit.

Mr. Kibuga: Arising from one of the replies from the Assistant Minister, that students are selected on a national basis, would the Assistant Minister tell us what precautions are taken to see that every district is cared for because when selection is on a national basis but the posting of teachers is on a district basis, some districts are neglected? What precautions are taken?

Mr. Mutiso: Mr. Speaker, the Government and the Ministry are well aware of this, and the House can rest assured that this precaution is taken,

because the officers who handle this question are properly briefed by the Ministry, that this should be as wide as possible, so that the image of our nationhood is projected.

NOTICE OF MOTION FOR THE
ADJOURNMENT

MATTER OF REPLY TO QUESTION NO. 307:
TEACHER-TRAINING RECRUITMENT, RIFT VALLEY

Mr. Kibuga: On a point of order, Mr. Speaker, if the hon. Member is not raising this question, and he has no objection, I would like to raise it on the adjournment.

Mr. Shikuku: Mr. Speaker, I give him full support.

The Speaker (Mr. Slade): Very well.

QUESTIONS BY PRIVATE NOTICE

BANNING OF GAMBLING MACHINES

The Speaker (Mr. Slade): Mr. Lubembe, you have a Question by Private Notice.

Mr. Lubembe: Mr. Speaker, Sir, I beg to ask the Vice-President and Minister for Home Affairs the following Question by Private Notice:—

Since many Africans had throughout the country purchased many gambling machines, before the Minister announced that the said machines will be banned on the 30th June 1969, will the Minister consider extending the period before the said ban from the 30th June 1969, to enable those Africans to organize enough money to go into other lines of business?

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply. It is not the intention of the Government to allow a few individuals to take all the hard-earned cash from ordinary citizens who have become victims of gaming machines. I, therefore, do not propose to extend these licences under any circumstances, and hope hon. Members will support the Government towards this end.

Mr. Lubembe: Mr. Speaker, since these people had purchased their machines with a lot of money, and with the Minister banning them without giving any compensation, would the Minister agree with me that this is almost a type of nationalization without compensation?

An hon. Member: Declare your interests.

Mr. arap Moi: Mr. Speaker, Sir, I am on a stick of dynamite. There are those who are campaigning to have these machines continued with, there are the vast majority who would like these machines banned. The problem is this, and I would like to enlighten the Members. The few Africans who are running these machines, in

[The Vice-President and Minister for Home Affairs]

actual fact, do not get any benefit from them. The reason is that all of them, or most of them, have borrowed the machines from Asians, and they have to give back one-third of the revenue to the owner. Another one-third goes for the renting of the premises, and the last one-third goes to him. Therefore, there is no profit in this business.

The Speaker (Mr. Slade): In spite of apparent interest, I am afraid we have to move on fast in order to start our debate on the Financial Statement. Next Question by Private Notice. Mr. Obok.

HEALTH OF MR. OOKO, DETAINEE

Mr. Obok: Mr. Speaker, Sir, I beg to ask the Vice-President and Minister for Home Affairs the following Question by Private Notice:—

- (a) Is the Minister aware that because of the bad treatment he has been receiving in detention camp, Mr. P. P. Ooko's health is rapidly deteriorating and is threatened?
- (b) Would the Minister consider allowing an experienced private practitioner to visit Mr. Ooko in the detention camp to examine him?

The Vice-President and Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply. (a) I am not aware, no official complaint has so far been raised.

(b) No. A qualified Government doctor is always available, and will look into the condition of Mr. Ooko when requested.

Mr. Obok: Arising from the Vice-President's answer of "no", may I through the House, put it to him that Mr. Ooko is suffering from chest trouble, similar to that which was suffered by Mr. J. M. Makanyengo, ex-detainee, who was released recently? Could he answer that? I will give another one after that. I have two supplementaries.

The Speaker (Mr. Slade): He asks whether you are aware that this gentleman is suffering from chest trouble similar to another detainee.

Mr. arap Moi: Mr. Speaker, Sir. That is not relevant. Mr. Makanyengo was released a year and a half ago.

Mr. Obok: On a point of order, Mr. Speaker, I said the similar chest trouble suffered by an ex-detainee who was released some time ago. It is still in order.

The Speaker (Mr. Slade): I do not think there was any reason to interrupt Mr. arap Moi. Would you continue with your reply?

Mr. arap Moi: I know there was a slight complaint on the 12th March 1969, that he was not feeling well. The doctor saw him, and since then there has been nothing to worry about. As I said before, Mr. Speaker, there is a Government doctor who looks after all the detainees, and everybody else.

Mr. Okelo-Odongo: Mr. Speaker, Sir, in view of the fact that these people are in detention, and they are detained by the Government, and since only one Government doctor can see them, would the Minister consider—in order to allay all fears—that there should be a committee of laymen doctors to see these detainees time after time?

Mr. arap Moi: Mr. Speaker, the hon. Member is moving backward. If we are to have laymen doctors, I do not know what his interpretation of this is. As far as I am concerned, a layman doctor is not an expert, not a specialist. If he means a private doctor, or a witchdoctor, which I am not able to supply, I would like to tell him that I consider all these cases, and I am always flexible in allowing specialist doctors if I see that somebody requires special medical treatment. This is done, as it was done in Makanyengo's case. However, as far as Mr. Ooko is concerned, there is nothing serious.

The Speaker (Mr. Slade): Next question. Mr. Tuva.

BAN OF MALINDI KANU ELECTIONS

Mr. Tuva: Mr. Speaker, Sir, I beg to ask the Minister of State the following Question by Private Notice:—

Why has the Provincial Commissioner, Coast, banned the Malindi Kanu elections due on Sunday, 29th June 1969, and yet Government has said several times that it cannot interfere with Kanu affairs?

The Minister of State, President's Office (Mr. Koinange): Mr. Speaker, Sir, I beg to reply. In the first place, the Provincial Commissioner of the Coast did not ban the Malindi Kanu elections. He did not do that. What has happened is that when the meeting for that took place, it was learnt from the district commissioner's office that there was going to be some sort of crisis. When he contacted our office, I took the hon. Member, Mr. Ngala, my colleague, to my office and we discussed the matter with the provincial commissioner. It was arranged that the hon. Ngala should go and discuss the matter with the District Commissioner, Malindi, and the meeting would be held. About five minutes before I came here, I was also in contact with the provincial commissioner, and the same thing was repeated. Therefore, there was no banning.

Mr. Tuva: I did not hear the last sentence from the Minister. Did he say that the elections will be held?

The Speaker (Mr. Slade): I think you said that there is no ban, and the elections can take place.

Mr. M. Koinange: I said there was no banning, but they have to discuss the matter with the District Commissioner, Malindi.

Mr. Tuva: Mr. Speaker, Sir, the Public Order Act authorizes the district commissioner to ban meetings, under Chapter 56, section 5. Why did the provincial commissioner take the initiative and usurp the district commissioner's powers?

Answer!

The Speaker (Mr. Slade): I think the Minister has said that the provincial commissioner has not taken any action.

Mr. Tuva: Mr. Speaker, I was in the district commissioner's office when the provincial commissioner phoned the district commissioner to ban the elections, on Monday at lunchtime.

The Speaker (Mr. Slade): So what is your question now, Mr. Tuva?

Mr. Tuva: My question is this. Although the Minister says that the provincial commissioner did not ban the elections, I insist that he did. Why did the provincial commissioner do that, and yet the power to ban public meetings or elections rests with the district commissioner under the Public Order Act, Chapter 56, section 5?

Mr. M. Koinange: Mr. Speaker, Sir, I wonder whether the hon. Member is following me. I said that ten minutes before nine o'clock this morning, I actually had a telephone conversation with the provincial commissioner, in which he repeated the same thing which he, the provincial commissioner, said to me and to the hon. Minister, Mr. Ngala, that he has not banned the meeting or banned the election. However, the District Commissioner, Malindi, has reported to him that some people have gone there to his office, threatening that if a meeting should be held, there will be a crisis.

Hon. Members: Question.

Mr. M. Koinange: Those people were definitely chased out, and they were about to be arrested by the Government because of that threat, and therefore, Mr. Speaker, Sir, the provincial commissioner said he has not banned the Kanu election. However, the district commissioner of the area is consulted over any meeting held in any place, with regard to the permit for holding that

meeting, by the person who wants to hold the meeting. From that point of view, I conveyed the same to the hon. Member, the Minister for Co-operatives. If the Member goes to the District Commissioner for Malindi now, he will find that, that is the situation.

The Speaker (Mr. Slade): Next question.

NOTICE OF MOTION FOR THE ADJOURNMENT

MATTER OF REPLY TO QUESTION BY PRIVATE
NOTICE: BAN ON MALINDI KANU ELECTION

Mr. Tuva: On a point of order, Mr. Speaker, in view of the unsatisfactory reply to this question, I would like to follow it up with a Motion on the Adjournment.

QUESTION BY PRIVATE NOTICE

REPAIRS TO KATITO/NYAKWERE ROAD

Mr. Ondiek-Chillo: Mr. Speaker, I beg to ask the Minister for Works the following Question by Private Notice:—

- (a) Is the Minister aware that the buses running between Katito/Nyakwere have been taken off the road because of the terrible fear of damage which the buses may incur owing to the condition of the road?
- (b) Could the Minister undertake to instruct the road engineers to take immediate steps to repair the said road?

The Minister for Works (Mr. Mwanyumba): Mr. Speaker, Sir, I am not aware that some bus operators are refusing to operate their buses along this road. Part of this road is a secondary road, up to Paponditi, and from Paponditi to Nyakwere it is a minor road. The responsibility for maintaining the entire road is with the Kisumu Municipality, the Kisumu County. I am prepared to advise the Kisumu County Council to go ahead and look after this road.

Mr. Ondiek-Chillo: Arising from that answer, that the Minister is unaware, at the time they are collecting graduated personal tax, they are quite aware and they want people to do that. Could the Minister tell the House why the people in Nyakach should be asked to pay graduated personal tax if the services which are supposed to be carried out with such graduated personal tax payments are not carried out?

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

We must go on now, hon. Members. We are running a bit late.

NOTICES OF MOTIONS FOR THE ADJOURNMENT

MATTERS OF WHICH NOTICE PREVIOUSLY GIVEN TO BE DISCUSSED IN COMING WEEK

The Speaker (Mr. Slade): I have to inform the House that as regards matters to be raised on the adjournment next week, they will be the same as those which we fixed for this week but which could not take place. That was, Mr. Odinga's question of frequent entry of *Nolle Prosequi* on criminal cases, will be on Tuesday, 1st July, and Mr. Cheboiwo's question about certificates of exemption of graduated personal tax will come on Wednesday, 2nd July, both of these again being subject, I am afraid, to our finding time for them after having had three hours in the debate on the Financial Statement.

COMMUNICATION FROM THE CHAIR

APPOINTMENT OF TEMPORARY DEPUTY SPEAKER

The Speaker (Mr. Slade): Then again, hon. Members, there is another matter I wish to mention to you. Throughout next week, the Deputy Speaker will be absent, because he is leading a delegation to the Independence Celebrations in Somalia; and so in accordance with Standing Orders, with the leave of the House I will be appointing Mr. Wariithi to act as Deputy Speaker during that week. Mr. Mati who very often undertakes this duty is also absent at present and Mr. Warrithi has been kind enough to say that he will do it.

Strictly, under Standing Orders, this appointment can only be made for period of three days, after which we have to go to the trouble of an election of an Acting Deputy Speaker; but I am sure that if this goes on for four days next week, you will be content with this informality.

POINT OF ORDER

HOUSE HAS NO POWER OVER THE PRESS, SAVE TO SEE THAT MISREPORTING CORRECTED

Mr. Omar: On a point of order, Mr. Speaker, I am seeking your guidance here. The other day you made a very important statement regarding the of payment of gratuities to Ministers and Assistant Ministers. I was, therefore, expecting that this matter would be given publicity in *Taifa Leo* which is a widely-read paper, but it was not published yesterday nor today. I wonder whether there is a Standing Order under which, Mr. Speaker, you can use so that the *Taifa Leo* Press is asked to give this matter publicity in order that the country knows about this?

The Speaker (Mr. Slade): Order! No, we have no power over the Press, other than control of misreporting. It rests with the Press what they

report or do not report in relation to the proceedings of this House. Our only right is to say that, if they report, they shall report correctly.

Mr. Okelo-Odongo: On a point of order—

The Speaker (Mr. Slade): We must get on. It is getting very late and we must get on with the debate on the Financial Statement. Is it really essential?

Mr. Okelo-Odongo: Yes, Sir.

In that connexion, I wanted to raise a point of order yesterday but thought I would give this matter a little more time. I thought that after we had discussed the question of gratuities that there was to have been a statement to the House, or you were expecting a report from the Controller and Auditor-General with regard to these payments. Can we expect this report soon, or what is happening about it?

The Speaker (Mr. Slade): All I can tell you is that I have asked him for it. I have asked him to let us have it very soon.

Next Order.

COMMITTEE OF WAYS AND MEANS

(Order for Committee read)

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

(Minister for Finance on 19th June 1969)

(Resumption of Debate interrupted on 26th June 1969)

(Fourth Day of Budget Debate)

The Speaker (Mr. Slade): Mr. Makone was speaking but he does not appear to be here to finish his speech. Mr. Kioko.

Mr. Makone: I am here, Sir.

The Speaker (Mr. Slade): Oh, so he is. You have altered residence, Mr. Makone.

Mr. Makone: Mr. Speaker, may I know how many minutes I have left?

The Speaker (Mr. Slade): I am afraid you have only three.

Mr. Makone: Mr. Speaker, there were a lot of interruptions from the Minister for Economic Planning and also the— Can I have more time?

The Speaker (Mr. Slade): No, only your three minutes.

Mr. Makone: Mr. Speaker, during the course of my speech yesterday, I had left one point which I wish to put across today.

Stock theft has come up as a worrying point in some areas and, in this respect, I am making special reference to areas like Kisii and Kericho.

[Mr. Makone]

We have asked the Minister for Home Affairs, who is in charge of the security of this Republic, to take drastic action, other than the normal one. We have suggested to the Minister to give more petrol to the police posts where such stock theft is most common so that the police can cope with the situation in such areas as the borders between Kisii and Kericho. We have also gone further and suggested to him that he should place some police posts, as a matter of urgency and national importance, in certain areas in order to stop tribal clashes between these two tribes at the new settlement schemes.

I was expecting such expenditure to be shown in the current Estimates presently under review. Mr. Speaker, a delegation from Kisii has been the Minister for Home Affairs to suggest to him that he should go out of his way to introduce a new method which was suggested to him in connexion with the Public Security Act. Some of the thieves, if they are known, should be taken up and detained without trial. They should be picked up with the assistance of the chiefs and sub-chiefs, so that they are detained for an indefinite time. I hear the Minister for Commerce and Industry—my good friend—saying “Shame.”, but, Sir, there is a danger that if an individual person supports a chief and he goes to court as a witness, you will find that if this person happens to be acquainted, then he will be the sufferer. You find that a gang is organized to come and beat this man and rob him of his property. Therefore, the people are now scared to be witnesses to whatever they may have seen.

That is why I suggest that the Public Security Act should be imposed on the notorious thieves, so that the police come and take them away, nobody knows where they are taken to; nobody knows when they will come back, and how long the sentence will last. This will have a psychological effect on the other people, because they will not know who reported their cases to the police; they will not know how long they will be in detention camp; they will not know when they will come back. So, Sir, this point should be noted by the Ministers who are here, so that when they go to the Cabinet meetings, they can tell their colleagues about this, that this is required in some of the badly affected areas in regard to stock theft.

Mr. Speaker, I beg to support.

Mr. Kioko: Mr. Speaker, Sir, I also would like to say a few words on this Budget Speech. First, I would like to join my colleagues who have spoken in support of the Budget, but I will first deal with a very important item, that of abolish-

ing the graduated personal tax of Sh. 24 for those people who do not earn Sh. 80 per month. This was a very good start and, in this regard, I would like to congratulate the Minister for Finance for his wisdom. We have so many people in the country who are unemployed, and these people have been arrested by the Administration. Many of them have been detained and harassed very much. I would like, once again, to say that this was a very good Budget in this particular respect.

I was not impressed with the Budget in connexion with the Development Estimates for most of the provinces. I come from the Eastern Province, and when I went through the Development Estimates for 1969/70, I saw that there was very little ear-marked for that area which the Government intended to spend. I strongly oppose this part because the Minister saw fit not to give us any very important projects in this particular province. I also would like to voice my dissatisfaction of the Budget because he knows that, particularly we Members of Parliament from Ukambani, have pressed every now and then and put our case to the Government on water difficulties and droughts and particularly on irrigation.

Mr. Speaker, Sir, if you look in *this* book, which of course, I have gone through, you will not find any place where money is allocated for water and irrigation schemes in Ukambani and I do not see how we should support the Government, whereby, if we tell the Government our problems and our people's problems they do not respond. Mr. Speaker, Sir, if you look at the Development Estimates, you will find that most of the other provinces are covered and that most of the districts are covered—but we in Ukambani, and particularly in Machakos, I would say—I am not happy about it and I am not prepared to support that part. I reserve my right to think whether I support or whether I am not going to do so, because the Government should have been far kinder and had at least one irrigation scheme in Ukambani. I remember that the Assistant Minister for Natural Resources paid a visit to my area, where most of the parts are dry and he gave us a promise, as a Government Assistant Minister, that a survey would be done so that irrigation schemes could be started. I wish water was brought under the same Ministry, because there was a little bit of improvement. Mr. Speaker, to my surprise, nothing has been done up to now, which is about two years ago.

Mr. Speaker, I think the Government has been unfair to us in Ukambani on this item. Mr. Speaker, without water in our district, we cannot

[Mr. Kioko]

develop anything but, as we have repeated, if the Government gives us water, let no one come and plan for us; we know what to do and we will plan for ourselves and there is no doubt we will be able to produce enough for sale and for domestic uses. Mr. Speaker, Sir, we have been very much embarrassed, and I would like to say that the Ministry of Agriculture, which is responsible for water, has totally failed, particularly in our place. Mr. Speaker, I still maintain that something should have been done in the six years. Now, Kanu is going to the polls in the General Elections without anything having been done in many parts of our areas, and I can tell you, Mr. Speaker, that Kanu will face very strong opposition, simply because the Government has done very little, particularly in essential services. I am requesting those concerned, particularly the Ministry of Agriculture, to consider very seriously this very important item: water.

If the Ministry fails, then they should not blame anybody but themselves because we (as Members for those people, have given advice. We took all the troubles and brought them to this House; we took our troubles to them, even by going to see them in their offices but, Mr. Speaker, Sir, the response has been very poor. Therefore, I should suggest that the Minister for Agriculture has taken a great interest in the former developed areas and forgotten the former neglected areas in the country, particularly, in Ukambani, Masai, Turkana etcetera, etcetera.

Mr. Speaker, Sir, I would like this to be conveyed to the Minister for Agriculture, of whom I would say that he is not taking interest in some parts of this country. He has showed great interest in tours outside this country—I think probably he is now out of the country—and instead of making a different plan for those areas which were left undeveloped by the colonialists, he has gone the other way round. I would like this, Mr. Speaker, to be conveyed to the Minister—I can see that there are two other Ministers here—since it is their collective responsibility. I wish they would consider this very seriously and convey it to their colleague, and tell him that we are absolutely dissatisfied with his work. I am particularly, simply because he has done very little in my area, if any at all.

Mr. Speaker, Sir, I think I will leave that point and I will go to the other point which brings me to the land problem. Mr. Speaker, Sir, the land situation in Kenya is very serious and I would like to say this: the Government should try to hasten the machinery for settlement, particularly, in Ukambani. We obviously, have a few

settlement schemes, particularly in Makueni and also in one part of southern Machakos. The Government has failed to allocate money for the settlement of those people who are moving into those particular areas. I wonder whether our two Ministers in the Cabinet—the hon. Mwendwa and the hon. Minister for Housing—do see these things. Mr. Speaker, Sir, I can see him leaving.

Mr. Speaker, Sir, I would like this to be presented very strongly to the Government, because these people have no land and they are wandering all over the place and they are being harassed by the Administration and also by the Ministry of Tourism and Wildlife because they have not been settled properly. Mr. Speaker, Sir, I think I have made this point very clear and I would like the Government, at this time when we are soon going for general elections, to act, so that our work can be made easier when we go to face our voters.

Mr. Speaker, Sir, I would also like to say a few words on the appointment of an Electoral Commission. Mr. Speaker, Sir, up to now we do not have any Electoral Commission existing. What I know, Mr. Speaker, is that we replaced the law, we amended it so that the commission will be appointed by the President, but how on earth is the country going to survive without any Electoral Commission which should deal with elections and other connected affairs? Today, the country, as far as I know, does not have any Electoral Commission at all and I would urge His Excellency the President—because I understand this became his responsibility—to appoint a commission as soon as possible, because, Mr. Speaker, some of us represent very large areas and highly populated ones. When we raise this question in the House, we are told that we are waiting for the census which is coming in August and when it comes, probably then, this may be decided. Mr. Speaker, I feel that it is very important to have an Electoral Commission which will start now. There were some proposals by the former Electoral Commission of which, you, Mr. Speaker were the chairman, and you proposed, with your commission, some of the adjustments on our constituencies, but later it was replaced by this House. Mr. Speaker, Sir, I still maintain that it is very important that we have an Electoral Commission which will start now studying and, as soon as we complete the census, they will get into business. Mr. Speaker, this is another very important point which I wanted to put forward to the Government.

Another point which I am coming to, is about Machakos County Council. Mr. Speaker, Sir, I see that the Minister for Local Government is here, and I am happy because he is back. There

[Mr. Kioko]

was a commission, which was formed. The Commission of Inquiry went on very well but, for the last three or four months, we have heard nothing though this inquiry was completed. I wonder whether the Minister for Local Government is trying to sit on it. We, the people of Machakos County Council, would like to know exactly what went on. In fact, I can see that the Minister is not very much interested but, in the long runs, he should realize how the local authorities ought to be looked after and he should be very serious with them. I demand, Mr. Speaker, Sir, that the outcome of the commission be published so that we can know what is exactly happening, otherwise, our county council might run into financial difficulties like some others. Mr. Speaker, Sir, this is another point which I want to say to the Minister.

Another point, which I would like to mention is about our foreign affairs policy. Mr. Speaker, Sir, I have been very much disturbed by the Rhodesian issue, whereby Ian Smith has declared a Republic. I have not seen, nor have I heard, any official statement from our Foreign Affairs' Minister on this very embarrassing issue.

Mr. Speaker, Sir, we, as a friendly country with the British, I do not see why we cannot advise in a friendly manner and ask the British Government to act because it looks as if we have forgotten our brothers who are in Rhodesia and we seem to have taken the issue very lightly. Mr. Speaker, I highly appreciate the stand His Excellency the President of our Republic, Mzee Jomo Kenyatta took, when he was Prime Minister, in the first conference of Commonwealth leaders, but from that time up to now, nothing serious has been taken, particularly to help our brothers in Rhodesia. Mr. Speaker, Sir, I say this: I feel that the British have a responsibility and since Britain is a friendly country to us, I should say that our Foreign Affairs' Minister and our Government should seriously try to advise the British Government to take action, particularly to try to prevent this crisis, where our brothers next door are so much frustrated and where another South African system of government is soon going to be applied. Mr. Speaker, Sir, this is another point which I say our Foreign Affairs' Ministry has failed, because I expected to hear a very strong statement condemning the attitude of Ian Smith, but I did not hear anything at all. Mr. Speaker, Sir, I think that the Government should be advised on this one and I would like to see the Government acting strongly in such a very important affair, particularly this one which affects our brothers in Africa.

Mr. Speaker, Sir, I would also like to put forward another point to the Government. Mr.

Speaker, Sir, it is about the Administration and the Kanu party. Mr. Speaker, Sir, I am not trying to make a capital out of this, but I do not, Mr. Speaker, understand how the Administration, how the civil servants come in in our party affairs. I think that the party should be left alone to work by itself without interference.

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

Mr. Omweri: Mr. Speaker, Sir, I also wish to join my friends in welcoming this Financial Statement from the Minister, the hon. Gichuru, because it carried a lot of important matters which the House should be interested to note and gave some suggestions which the Minister will consider when making another statement.

Mr. Speaker, Sir, our problem in Kenya here is development planning. Our problem in the rural areas is that we feel that in the urban areas there is more concentration of development and that is why people keep on flocking into the towns to look for better facilities of livelihood. It is this which the Minister for Finance should have catered for to see that there is not an influx into the urban areas and, therefore, give more opportunity in the countryside so that the people can live in a balanced manner.

Mr. Speaker, I feel that although the Minister gave a welcome statement about graduated personal tax for the lowest paid person, this graduated personal tax system many people do not agree with, and we feel that we have enough experience of this and the Minister should have come up with some other ideas to make sure that the system of graduated personal tax—which is direct taxation—could possibly be changed to a system of indirect taxation. In this way, we would not have so much embarrassment about which this House has been subjected to many complaints as to how people are handled for not carrying their receipts and so forth. The reason is not the excess of taxation, the reason is the system. The system of graduated personal tax compels the taxpayers to carry their receipts and we hope the Minister will see that in the future he moves away from direct taxation to indirect taxation which is less embarrassing for our people. In fact, the Minister would have had more applause if he had suggested another system of taxation to replace the graduated personal tax and this would have been a better thing than just abolishing the lowest grade only. I hope that he will work along these lines and see that this system is replaced by more indirect taxation, for the reasons the House has been giving.

This is the same, Sir, with educational problems. The other day the Minister for Education mentioned the recurrent expenses and development

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expenses which the country would face if free primary education were introduced. I thought, myself, that this was an inflated and exaggerated figure because we were going to calculate on seven years when this can be introduced step by step. This is a system which could be introduced in seven years rather than in one year. It would not be possible to have it in one year. In this case, if it took seven years, the country if it had a system of proper taxation, would be able to raise the amount mentioned here and this would not be our worry. Our worry should be are we really interested in this, are we really committed to it? Are we really interested? In fact, at the moment, the temper of our people is that they have a marvellous interest in self-help projects and so capital development would not be a problem. Our people are prepared to come up and help. In fact, most of our buildings in the schools have been built as self-help projects, and these people are still interested to see that their children have educational facilities. If the people were told that they would get free education if they provided the houses and the classrooms, I am sure the energy within our people would provide the buildings, the construction. Anybody can go around and see the *Harambee* projects for the secondary schools; they have put up magnificent blocks and this indicates that the people have got an interest, the imagination and the ability to provide what is needed. In this case, it is only the Minister's plan to come and suggest that this should be introduced.

Mr. Speaker, Sir, when it comes to industries, the Minister should have also indicated— We welcome the idea that the Mumias sugar factory will be completed soon. The Minister indicated in his speech that the Broderick Falls paper factory is again under consideration to be developed and he hoped within the current year it might be completed. Therefore, he tried to suggest that he would protect this industry by introducing a paper tariff. In this case, Mr. Speaker, we would welcome more suggestions and more industries. In our case, we do not have any plans for the development of any industry in that part of the country. We would like the Minister to give more emphasis to consider that the population in that area—if you take Kericho, Kisii, Homa Bay, these three districts on this side, and we have Narok as well—think that there is very little planning going on. We would like to see that the Government is doing something to introduce industries in that area so that we can combat unemployment. We cannot combat unemployment in the towns only; we would like these plans to go right up into the countryside and see that our areas also benefit.

Mr. Speaker, Sir, we, in the past, have been told that there is no electricity and that communications are not good and, therefore, industries cannot go to Kisii. Sir, at the moment there is electricity, although it is poor, it could be a good beginning. With the resources we have now, if we developed electricity from the hydro-electricity system, I am sure we could have industries because we have the personnel to work in them; we have the personnel to work in these industries. It is a plan which is lacking and it is this plan which the speech did not contain. We would like the Minister to see that something is going to be done to make sure that our areas are also included in the plan, and when a speech like this on the taxation policy is there, we would like to know that our area is also going to benefit from the taxation measures. Otherwise, there is no point in our being taxed if there is no return.

Mr. Speaker, Sir, while I am on unemployment, I would also like to suggest that the Minister should have indicated that he is now going to deal very drastically in regulating all the expatriates, particularly those who come up with no technical education, except academic. We have got quite a lot of merely academic chaps from overseas, and these people could easily be replaced from our own resources. This year, the country has experienced a lot of School Certificate people who have passed very well and so many, up to this moment, have not been offered any facilities of employment by the Government. We would like the Government to come up with a crash programme to make sure that all School Certificate leavers—all those who leave at the secondary level after sitting for their East African Examination—be given an outlet straightaway rather than leaving them hanging around and leaving them unutilized. If we do not do this, then we make our education merely a laughing stock. It does not do anything useful.

We would like these people to be taken, even for three months, on crash training programmes. They would be utilized, and they would be told that they were going to be trained in those three months and they would know they would be given something to do. I am sure these people would be better surveyors in the settlement schemes than the Peace Corps who have been imported. I am sure these people would be better as clerks to the co-operatives than the Peace Corps who have been imported. I feel that our people would be better utilized in secondary schools as untrained teachers than the people who just come with a Bachelor of Arts degree from New York. They are placed here and have to start learning. They also have to study what these people learn. They do not do the history we do here; they do not do the geography we do here, and when these people

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come, they take another year to learn along with the class they are teaching. We can also do this; we can put our own chaps to learn along with the classes they are teaching. It would be better to utilize them in this way than to leave them without help.

Mr. Speaker, another point I want to mention concerns what hon. Members have already said. It has already been given good coverage in today's papers, and that is the question of the East African Community. I am sure that our country is taking a very accommodating step to make sure that we move together with our partner states. However, it is most unwelcome to find that our own brothers do not realize this system. Certain legislation, supported by Members who also criticize our country, has been enacted which will impede or stop our own progress. Rather than blame us, they should blame themselves. For example, Mr. Speaker, somebody has referred to vehicles, we have no limitation on trucks and vehicles moving into Kenya. There are so many vehicles registered outside Kenya, and we have no problem, we do not worry about them. However, our partner states have introduced entry fees. This means they do not want vehicles registered in Kenya to move freely in their countries. In this case, it should have been the Kenya people or the Kenya people or the Kenya Parliament complaining about these other people who have introduced this legislation complaining again. We do not gain anything when we allow these people to come in, and we have not stopped anybody trading in the country. In fact, Mr. Speaker, the Community has been designed to help these other countries catch up. If they are not able to catch up, they should not complain. It is up to them. We are not going to sit and keep quiet.

For example, Mr. Speaker, take the transfer tax. Kenya has not introduced this, and we are being accommodating, we are trying to help. In this spirit, if we are only going to be played around with, I think our Government should take other steps and see that this nonsense stops immediately. It is not our policy to keep on criticizing any partner state. We hope they will learn to co-operate, and we hope they will earn to utilize the facilities offered in the Community Treaty, and therefore, rather than criticize us, they should expand and help.

I do not want to spend much time on that subject, because I feel it is merely the wish of what is called in Swahili, *Duwa la kuku halimpati mwewe*, and I think we need not bother to waste

our time complaining about this. We should just let them go and they will learn thereafter.

I beg to support.

The Assistant Minister for Education (Mr. Khasakhala): Mr. Speaker Sir, I rise to join my colleagues on the Financial Statement, and I would like to congratulate the Minister for Finance for his well-balanced Budget Speech.

Sir, I would like to repeat what I said a few weeks ago, and that concerns co-operation between Kenya leaders amongst themselves. We, as leaders of this country, must stand together and create a Kenya which will remain stable for ever. Today we know very well that under the wise leadership of His Excellency Mzee Jomo Kenyatta, the President of this country, Kenya is enjoying good stability because of the respect most people have for him. Now, what would happen to Kenya if he were not there? Looking at things which are happening, quarrelling amongst Ministers, not respecting one another, you find them attacking one another in the Press, for example, at the Coast where every day we have Ministers attacking one another, this does not create a healthy situation in the country. It shows that there is a confusion somewhere which must be faced by a brave man who is a leader, someone who must tell these Ministers to shut up, to tell them that they are making mistakes by attacking one another. Nowhere else have I seen in my life a Government Minister attacking another Government Minister publicly. If they do this, it means there is something wrong somewhere. We must find out where the machinery has gone wrong.

An hon. Member: You mean you do not know?

The Assistant Minister for Education (Mr. Khasakhala): Mr. Speaker, I am very serious on this matter, because I feel this very strongly. I am a father, I have children who will live in Kenya even if I die tomorrow. They should, in future, enjoy the same privileges, the same stability in the same country in which they were born as I myself am enjoying now, and this can only be created if we trust one another, if we are prepared to work together, and if we can agree that leadership is not to be bought with money. Leadership is something which is given to someone, and a leader is always chosen by the people. If the people are given their own chance to choose a leader, why should leaders keep on quarrelling, suspecting one another, attacking one another, and not pulling together so that they create a happy Kenya? It is no good paying lip service, when we know there are things wrong here and

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there. I feel the time has come, before we go into the General Elections, when differences amongst the Ministers the differences amongst some leaders of this country, should be solved immediately. Otherwise, we shall be faced with a situation not of the Opposition, but of Kanu opposing Kanu. Sir, I feel the time has come when His Excellency the President with his Cabinet should intervene immediately in these squabbles which are going on here and there.

Mr. Speaker, much has been said about development. I would like also to say a few words on this, although it may be repetition because quite a number of Members have spoken on this subject. It is no good for us to tell the people to go back to the land when development has been centred in the former colonial towns only. If we want the people to go back to their homes, if we want people to go back to the land, if we want people to be employed, it is high time the Government stopped development in the former towns such as Nairobi, Thika, Eldoret, Mombasa, Kisumu, and so on, and created new areas where industries can be built in order to employ the the people who, at present, are rushing to the towns. It is impossible to keep people away and to stop them coming to look for employment when they know they cannot get it at their own homes. We have heard of the Mumias sugar factory; we have been told about the paper factory at Broderick Falls. These were mentioned five years ago. Where has the machinery gone wrong, and why is it that it is only in Western Province that we have not built a factory up to this time? I am speaking, Mr. Speaker, on development. We know much has been said, and unless I tell you that you have a bad eye, if you are not able to see it yourself, then I am wrong, and I must tell you that the eye is wrong or you are wrong in some way. Then you can understand that you have gone wrong.

I beg your pardon, Mr. Speaker. By this I mean that we need development throughout the country. In the whole of Western Kenya—apart from Miwani, Chemelil and Muhoroni and perhaps the textile factory at Kisumu—there is nothing going on. The whole of that area has been left undeveloped and has been overlooked. I do not want someone to come tomorrow and say, "You people in Parliament did not tell the Government that we are suffering". We want them to know we are telling the Government there is something wrong with the development machinery which should be corrected, because this is not going to help us if we see our own people suffering and yet we keep quiet.

Mr. Speaker, I would like to make a few comments on the education side. Much has been done in education. A lot of *Harambee* and Government-aided secondary schools have been built and, in a short time, we have built more secondary schools than were built during the colonial days. That is a credit to this Government, and I would like to take this opportunity to thank His Excellency for his motto which he gave us immediately after independence of "*Harambee*", which has really helped to bring about many more secondary schools throughout the country. However, Mr. Speaker, we should also be prepared and follow the same steps in regard to higher education. The pace of the development of higher education is not going along with the pace of the development of secondary schools. Very soon, we will have so many boys and girls roaming about the streets looking for jobs, who have School Certificate. If we want to help these boys and girls, the new leaders of this country, to obtain something better, it is high time the Government built a few more Higher School Certificate institutions so that we are able to absorb more and more school leavers at the higher school level; then they will be able to go on to university and obtain higher standards to come and replace whatever advisers we have today. If we do not replace them immediately, we will continue to rely on advice from far away instead of relying on advice from experienced people who know the problems of this country.

One mistake I would like to point out, Mr. Speaker, concerns the employment of teachers. Although I am in the Ministry of Education, I am not satisfied with the way teachers are being treated today. I feel that employment of trained teachers should be made a national responsibility. Instead of making it a county or district employment, a teacher who is qualified as a P3, P2, P1 or S1 should be employed by the Teachers' Service Commission. At present, you find there are even teachers who completed their training last year, but they are not yet employed because the county councils which are supposed to employ them have no money and, as a result, they are roaming about. We are not helping by training them, and then asking them to go and look for employment. We should train those we can employ, and as the Teachers' Service Commission has already been formed, and is responsible for all teachers' affairs, I feel they should take up the employment of all trained teachers immediately throughout the country. Then, whenever a teacher completes his training, he is assured of where he is going to teach at once.

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With regard to agriculture, again and again we have said that agriculture is the backbone of our economy, and this is very true. We know very well that we have no mines, we have no minerals, and we depend mainly on agriculture. However, how am I as a farmer going to plan for my farm if the prices are determined every year?

An hon. Member: That is the question.

The Assistant Minister for Education (Mr. Khasakhala): We want the prices to be based on a long-term economy, long-term planning, so that we know the price of maize for the next three years is going to be so much, say, instead of announcing it every year. The same should apply to the price of wheat. It is impossible for our farmers to plan today. They cannot do it, Mr. Speaker, because they do not know what the price is going to be next year and, as a result, they are losing money. Quite a number of new farmers, especially Africans who have taken up farming, are not able to make it pay, simply because they cannot plan, they do not know what to do. Every year the prices change, and I think it is high time planning in agriculture was built on a long-term basis, because anybody who wants to do something has to plan for it, and whoever is advising on these prices should be told he is not a good adviser since he has not advised correctly.

Mr. Speaker, moving to the Administration, I fail to understand the reasons why since independence, it has not been seen fit to survey and look into these unjustly and unsatisfactorily demarcated boundaries which were arrived at before independence. Let us face it: we need the Government to demarcate new boundaries. Let it be known that in Kenya we have tribes. Whatever you do, you can never rub it off. We know very well there are tribes, and it is no good leaving tribes being mistreated by other tribes because someone has made a mistake. What fear is there if we have the army, what fear is there if we have the police, to demarcate these boundaries according to the wishes of the people? From time to time, I have said that Maseno Township belongs to the people of Western Province, and whatever one does, I will never be convinced, as the Member for Emukhaya, that I have no right to ask and demand that township. I want that township transferred immediately to Western Province.

Mr. G. G. Kariuki: Why campaign for it here?

The Assistant Minister for Education (Mr. Khasakhala): I would like to tell the Member for Laikipia that I am capable of campaigning and

I have won elections, and I will continue doing so. I am not doing it here. When I have to campaign, I will do it before my people, I will not do it here. Here I am pointing out to the Government the mistakes they have made, and what they should do. That is not campaigning.

Mr. Speaker, I would like to see the Government moving before the next elections into the boundary question, because we are still not satisfied. We still demand Trans Nzoia; whatever one dreams of, we still need it to be transferred to Western Province. We need a few other places to be transferred. If Laikipia could be transferred to Central Province, why not Maseno, why not Trans Nzoia? We need the Administration to—

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

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

Mr. G. G. Kariuki: On a point of order, is it in order for the hon. Member who is speaking to allege that Laikipia has been transferred to Central Province? Is it in order for him to say that when it is all wrong?

The Assistant Minister for Education (Mr. Khasakhala): I beg your pardon, Mr. Deputy Speaker, I meant to say Thomson's Falls, which used to be part of Laikipia, so I was right.

Mr. Deputy Speaker, Sir, if this has happened in other areas, I still feel that we should have the same happening in our areas. Mr. Deputy Speaker, I would like to congratulate the Minister for Works for his good work and good road he is now making throughout the country.

With these few remarks I beg to support.

Mr. Mbeo-Onyango: Thank you, Mr. Deputy Speaker. I also want to join my colleagues in thanking the Minister for Finance for his Financial Statement.

Mr. Deputy Speaker, as I start my speech, I want to reply to an allegation made yesterday by the hon. arap Biy, Member for Buret, complaining that South Nyanza has developed and that Kericho is stagnant. I would like to tell Mr. arap Biy that South Nyanza has developed because of its Members, who are industrious and are acting according to the wishes of the public. If the hon. arap Biy is not working for his constituents, he should not complain that his constituency is not developing.

An hon. Member: He should resign.

Mr. Mbeo-Onyango: He will just learn it during the next General Election. Mr. Deputy Speaker, South Nyanza is a new district and it deserves the development that it has had during this time the Government that is now ruling the

[**Mr. Mbeo-Onyango**]

country. Since we started this Government, Mr. Deputy Speaker, we have worked very hard, as Members from South Nyanza, to see that the Government dishes out enough food to our people and if that has been done, there should be no complaint about it. Therefore, Mr. Deputy Speaker, I will just leave it at that stage that the hon. Mr. arap Biy, should also work hard to see that his district is developed.

Mr. Deputy Speaker, there is another allegation, which was answered by the hon. Odero-Jowi yesterday, an allegation from the Uganda Parliament. There is another one today by an hon. Member, known as F.X. Mugeni in the Uganda Parliament, alleging that those traders from Uganda who ask for commercial licences in Kenya are not being given them. Mr. Deputy Speaker, I want to reply to this gentleman in my capacity as a member of the Transport Licensing Board in this country.

Mr. Deputy Speaker, on 28th and 29th April, this year, in Kisumu, the Transport Licensing Board licensed three Uganda traders.

The Assistant Minister for Finance (Mr. Balala): Five in fact.

Mr. Mbeo-Onyango: They applied for five, but we licensed three tankers with three trailers. Mr. Deputy Speaker, these people are just beginners; this was their first time to apply. In Nairobi, in March, on 24th and 25th March, this year we licensed three Ugandans. We gave them three vehicles running from Mombasa to Kampala, making six people in all who have applied in this year. In this week, Mr. Deputy Speaker, there are five applications pending, one of whom is a wife of a Minister in Uganda.

Mr. Lubembe: Do not give her.

Mr. Khaoya: That is the one you should fail.

Mr. Mbeo-Onyango: Mr. Deputy Speaker, we have really done our best because those who have applied, we have licensed them and these applications which were brought to us on 24th of this month are still under consideration.

Mr. Khaoya: Which Minister?

Mr. Mbeo-Onyango: Mr. Deputy Speaker, therefore, the allegation by this Member in Uganda, is unfounded and it must be refuted very strongly by us because they are trying to smear Kenya with very bad words. This is the second time that we have heard of them.

Mr. Khaoya: But we are very clean, you know.

Mr. Mbeo-Onyango: Mr. Deputy Speaker, but we are very capable of replying to them.

Mr. Deputy Speaker, I would also like to thank the Government for having reduced the graduated personal tax and for having removed the graduated personal tax from the poor people.

The Assistant Minister for Finance (Mr. Balala): Have they done so?

Mr. Mbeo-Onyango: Mr. Deputy Speaker, there is only one danger which I want to point out. Who will select these people who are not going to pay Sh. 2 per month? Who is going to select them? Who will select these people who are not going to pay this Sh. 24 because this is going to be left to the chiefs and the sub-chiefs. Mr. Deputy Speaker, we should have a committee where a Member of Parliament is included.

An hon. Member: Which Member?

Mr. Mbeo-Onyango: A Member of Parliament in the area, because I suggest that it would follow the system which was followed in this year: only those who should pay Sh. 24 should be exempted. This is the only fair way of dealing with this matter.

An hon. Member: I think you are right there only that you do not state it properly.

Mr. Mbeo-Onyango: If we try to introduce new people in 1970, Mr. Deputy Speaker, there will be a lot of nepotism, brotherization and this will be a danger to this system. It will again boomerang on the Government. Mr. Deputy Speaker, I think our honourable ex-chief will really deal with it because he has been a chief and he knows how they have been dealing with such affairs.

Mr. Khaoya: I will deal with it when I come up.

Mr. Mbeo-Onyango: Mr. Deputy Speaker, now I go on to unemployment in this country. We are now voting money for different projects in Kenya. Mr. Deputy Speaker, we have had an experience that industries have been concentrated in big cities and mostly in Thika, Mombasa and Nairobi.

An hon. Member: And Kisumu.

Mr. Mbeo-Onyango: Mr. Deputy Speaker, I want to register my protest very strongly that many industries which are supposed to be erected in Kisumu or Nyanza, for that matter, are not actually forwarded or directed there by the Minister for Commerce and Industry. Mr. Deputy Speaker, there is one which I have in mind.

The Assistant Minister for Finance (Mr. Balala): Minister for Planning.

Mr. Mbeo-Onyango: It is not under planning, it is under the direction by the Minister for Commerce and Industry. There is one which I have complained about in this House and I want

[Mr. Mbeo-Onyango] to mention it again today: that is the industry for making fishing nets. Mr. Deputy Speaker, this industry is now pending with the Government, in the Ministry of Commerce and Industry. This is the right industry, the right factory, that must be taken to Nyanza and especially in Homa Bay because we want to spread all the industries into the rural areas so that we alleviate the unemployment in those areas. We have got enough industries in Mombasa, Kisumu, Thika, Nairobi and Nakuru, but it is time now that small towns, in the rural areas, like Homa Bay, should have such industries. I suggest and request the Government that this industry for making fishing nets should be taken to Homa Bay. Mr. Deputy Speaker, Homa Bay is the home of fishermen and especially my constituency of Mbita. I represent people whose work is fishing and, Mr. Deputy Speaker, they have also answered to the call of Mzee Jomo Kenyatta but, instead of going back to the land, they are going to the lake; they are pledged to go back to the lake and fish.

Mr. Khaoya: Where they belong. Are you a fisherman?

Mr. Mbeo-Onyango: Yes. Therefore, they should be given this opportunity of getting fishing nets at a reasonable price near Homa Bay. Mr. Deputy Speaker, I also suggest that these people who are pledged to go back to the lake must get enough loans.

An hon. Member: But nobody told them to go back to the lake.

Mr. Mbeo-Onyango: Mr. Deputy Speaker, these loans are to be used for the fishing industry because this industry is next to the farming industry in this country.

Mr. Deputy Speaker, Sir, we are voting money in this country to serve every place. However, we people in Nyanza are complaining bitterly, especially we, the Luos, because our people are not being recruited to the army and police. Instead, they are being dismissed from the police and the army.

An hon. Member: Why? Because they are not Kikuyu?

Mr. Mbeo-Onyango: Now, Mr. Deputy Speaker, since 1966, the recruiting teams of the police and the army have not been visiting Nyanza, especially Kisumu and Homa Bay. Mr. Deputy Speaker, if at least two or three people have been taken, they have just been taken on other arrangements. However, I would like to ask the Government—the army and the police are very sensitive departments—if only a few tribes, one or two, are recruited in the army and the police

and General Service Unit, Mr. Deputy Speaker, we may think that there is an ulterior motive about it.

An hon. Member: And we are right in thinking that.

Mr. Mbeo-Onyango: Mr. Deputy Speaker, and we are right in thinking that because the Armed Forces must be spread all over the country, but if only a few tribes are entrenched in the army and the police, there is an ulterior motive about this and we must warn the Government about this. Mr. Deputy Speaker, Sir, we are watching very carefully to see because even in this year, we find that Nyanza people may not be recruited, especially the Luos.

An hon. Member: And the Luhya too.

Mr. arap Biy: And the Masai.

Mr. Mbeo-Onyango: The rumours are that only six Abaluhyas may be recruited in the army.

An hon. Member: Only six?

Mr. Mbeo-Onyango: Only two Luos may be recruited.

An hon. Member: And Masai?

Mr. Mbeo-Onyango: Mr. Deputy Speaker, Sir, in other tribes, or provinces, you find, 90, 50 and 60 people are being recruited. This is very unfair. Mr. Deputy Speaker, we may have it because if you think that this tribe is now dominating everything, these things will boomerang later on and you will have it.

Mr. Deputy Speaker, Sir, I want to mention one point on a very sensitive place in my own constituency, I have been knocking on, very sensitive to us; that is Lambwe Valley. The development of Lambwe Valley comes under the Ministries of Lands and Settlement, of Tourism and Natural Resources, of Agriculture and of Health. However, as I have said in this House, these Ministers have refused to act properly in this place and I am going to table many questions about it. I am also going to speak about this place when we speak on individual Votes. I would like the Government to initiate more development in this valley.

Lastly, Mr. Deputy Speaker, I am speaking about the Administration. Again, this branch of the President's Office, has ignored the Luos because with about seven or eight provincial commissioners in Kenya, there is not even a single provincial commissioner from Luo and the Luo are the second largest tribe in Kenya. We are second in Kenya. Therefore, I am appealing to the Government to see that the distribution of administrative officers is spread all over Kenya.

Mr. Deputy Speaker, I beg to support.

Mr. G. G. Kariuki: On a point of order, Mr. Deputy Speaker, is it in order for the hon. Member to suggest in this House that there is not a single provincial commissioner from his tribe, while we know of one who resigned voluntarily?

The Deputy Speaker (Dr. De Souza): Order! That is not a point of order.

Mr. Chelugui: Mr. Deputy Speaker, I thank you for giving me this chance to speak on this Financial Statement.

Mr. Deputy Speaker, we know many hon. Members have already spoken about the development of the nation. I do not have to say very much about it because it has all been said already, but I want to go back and just say a few things which I think my people in Eldoret would like me to say. My district is very well known as a good farming area, and the people who were employed in the past, being Africans, were the squatters, but the people who remained there as being landless and jobless are even today still landless. This squatter problem is becoming too much in my area. You find that people run this way and that way trying to get some plots where there is settlement, but still no consideration is given to them and no attention is given to them, and yet the majority of these voters are the landless and they are the squatters. I think the only way to treat all these people is to allow them to go to every settlement scheme within the province.

Mr. Deputy Speaker, it is known that the people who are in the Rift Valley, namely the Masai, the Kalenjin and the Turkana, are the indigenous tribes of the province, and so if any settlement scheme is given within the 13 districts of Rift Valley, these people should be recognized by the Government as being the indigenous squatters on the place. Therefore, there should be no question of asking which district a man comes from; providing he comes from one of the 13 districts within the Rift Valley, he should be considered.

Mr. Deputy Speaker, I know that there is even now a lot of complication in my area whereby people are becoming too noisy just because they say they are being denied their rights. Their right is to be given plots.

An hon. Member: What about the Vice-President?

Mr. Omweri: Mr. Deputy Speaker, for the information of the hon. Member the Vice-President is the Vice-President of the Republic of Kenya, and he also represents you in the Republic.

Mr. Deputy Speaker, there are so many abandoned farms—and I wish the Minister for

Lands and Settlement was in the House to listen—around Hoey's Bridge and the Moiben area, where the Agricultural Development Corporation is taking up those farms. I would suggest to the Government that it would be wiser and better if the Ministry of Lands and Settlement could buy those farms and give them to these people so that they can enjoy the fruits of our independence.

Mr. Speaker, Sir, educationally, in Rift Valley, things are not improving because, up to now, we do not have any high school there, except one in Nakuru. Magadi is not enough for the—

An hon. Member: What about Eldoret?

Mr. Chelugui: Eldoret was already established by Europeans but things are very complicated. Mr. Speaker, Sir, our people are suffering because they cannot afford to pay these very high fees. I would like the Minister for Education to come round and be taken to these schools to listen to the grievances of parents on those schools.

An hon. Member: You are supposed to invite him.

Mr. Chelugui: Mr. Speaker, I am soon going to invite the Minister to come and see for himself.

I would like, Mr. Speaker, the Government to think of taking over the Hill School and of promoting it to a secondary school, rather than a medium school which is just there for some rich people. If this school is to be made useful it should be turned into a secondary school in order to allow all parents around that area to send their children to that school. A lot of delegations have been made to the Ministry but it seems that nothing has been done to rectify this situation.

Mr. Speaker, there is one point which I want to make and that is about the trade development in my area, especially in the County Council of Sirikwa. Mr. Speaker, Sir, we are told that in every walk of life we want to build the nation. If people are interested in commercial businesses, they should be supported regardless of being of this tribe or the other. Mr. Speaker, up to now, we can spot the monopolies in our areas where things are not considered on a national basis but are considered on a tribal basis. If a person applies for a commercial loan he has to prove that he is not Kiprotich, in order to get the money. That is not an improvement, Mr. Speaker, if we want to build our nation. He should not be considered as being Kiprotich, but he should be considered as being a *mwananchi* and this should be the qualification for applying for a loan, regardless of whether he is Kiprotich or Kariuki.

[Mr. Chelugui]

Mr. Speaker, we do want to build the nation regardless of tribes. We would not like to encourage tribalism in this country. We can only kill that by satisfying and justifying all the tribes in Kenya. Mr. Speaker, presently we were told that there is a place known as the "less developed area", such as, I would not like to mention it but they always call it the "less developed area". I do not know where it is, in any corner of the country. Mr. Speaker, I think Government should concentrate on such areas so they can catch up with the rest of the districts in our nation. An example is Turkana and that is enough. Mr. Speaker, I suggest that Government should improve the country regardless of tribes, Turkana, Kalenjin, Masai, Wakamba and so on; all the people should be treated equally.

I would like to mention one point on farmers because I really represent a farming area where the farming industry is largely considered by Government. We hold shows very often in my area. However farmers meet some kind of difficulties and that is the question of financial problems. I would suggest to the Government to see these farmers are given more development loans in order to develop their farms nicely and progressively so they become more productive. If Government is not going to do that, farmers are always going to meet such financial problems and be unable to repay their loans to the Government. As a result, their farms are later on seized and repossessed by the Government, which is a great shame to the Government, after considering helping the farmers.

Mr. Speaker, Sir, thinks like dairy facilities, fencing facilities and wheat storage, the Government should see to it that farmers are really helped with their problems.

When I come to the side of the Administration, Mr. Speaker, my district is really full of farmers who look after their cattle and we find a great deal of stock theft is still going on there. I have often asked questions in this House saying that we would like to have more chiefs because more chiefs would encourage the *wananchi* to assist in eradicating this question of stock theft. It is only a question of bringing all the people to a *Baraza* and telling them that the goodness of not stealing is this and this, and it is through chiefs that these people can be encouraged. Mr. Speaker, Sir, I would like to point out to Government that we still long for and demand more chiefs in my district.

Coming back to Sirikwa County Council, it is considered to be one of the largest county councils in the country and one of the most progressive. We would like the Government to

give more grants to this county council. In fact, in Sirikwa County Council, Mr. Speaker, we have five districts which make up this county. Therefore, it should not be compared with other county councils that have only one district. This council should be given more funds in order to run their affairs administratively and properly. There are many officials in the county and we would like to give them jobs. There are a lot of jobless people in that county, but because they do not have enough finance, they cannot run their businesses correctly. We would like to see that Government looks into the running of Sirikwa County Council. I am not saying that there is anything wrong in that organization, but I only want to point out to the Government that its eye should concentrate on Sirikwa County Council so that it is brought up.

Mr. Deputy Speaker, Sir, we require a lot of health centres and bridges, roads and such things and Sirikwa County Council has to attend to them. The roads have to be maintained and upgraded but because there are not enough funds in the council that is why these things have been delayed all the time. We have been asked all the time by the *wananchi* what is being done, we are being asked if we are not taking these problems to the Government. Indeed, Sir, it is here that we can negotiate with the Government and we can tell them that we long to have all these things in order to develop the county councils and the areas.

Mr. Deputy Speaker, when we talk about unity, I can say that there is no one in the country who denies that we do not have unity in this country. We would like to have unity because this is vital, and would like to have the type of unity which every tribe in Kenya enjoys. We would like to see that in the whole of the Government machinery every tribe is represented, Sir.

We find that a lot of our school leavers, those who would like to go overseas do not always have the chance. They make out their applications to the Central Scholarship Committee but many of them are turned down because of the areas they come from; if they had to come from this area or that, the door would be open. Does that help to bring unity? Mr. Speaker, Sir, I think the framework and construction of—

I see my time is up; and so, with these few words, Mr. Deputy Speaker, I beg to support.

Mr. Khaoya: Mr. Deputy Speaker, I am glad to have this opportunity to give my comments.

An hon. Member: Like a chief.

Mr. Khaoya: Like a chief, I will deal with them thoroughly.

[Mr. Khaoya]

Sir, I would like the hon. Member for Laikipia to remember that in 1958, I dined with Queen Elizabeth at Government House, and in 1968, I dined with the President at State House and I was an ex-Senior Chief when he was not. So he had better shut up.

The Deputy Speaker (Dr. De Souza): Order! The words "Shut up." are unparliamentary and you should withdraw them.

Mr. Khaoya: Mr. Deputy Speaker, I withdraw.

On the question of graduated personal tax, we were told that anybody who was earning less than £48 per annum would be exempted from paying Sh. 24.

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

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

QUORUM

Mr. Mwithaga: On a point of order, Mr. Speaker, the hon. Member is addressing an empty Chamber. There is no Minister or Assistant Minister on the Front Bench.

The Speaker (Mr. Slade): I take it you wish to object that we continue without a quorum?

Mr. Mwithaga: Yes, Sir.

The Speaker (Mr. Slade): That is all right. Ring the Division Bell.

(The Division Bell was rung)

The Speaker (Mr. Slade): We have a quorum now. You may continue, Mr. Khaoya.

Mr. Khaoya: Thank you, Mr. Speaker, and thank you my friend because, as a chief, surely, I should not speak to empty benches.

The question of graduated personal tax has been mentioned quite a lot in this House. We have been told that people will be exempted, especially those who had to pay Sh. 24, if they prove they are poor. I have sufficient experience to show that this is bound to be misconstrued by the so-called Assessment Committees. Only a year ago we were told about the question of reduction of payment from Sh. 48 to Sh. 24, but up to now we still have problems in the field. I am quite convinced that when this is taken right down to the level of the Assessment Committees, what they are bound to do is that they will just decide that either So-and-so should be exempted or he should be asked to pay Sh. 48. In every case you will find that the Assessment Committees will put people at Sh. 48 instead of exempting them.

So, Sir, to remove this ambiguity I would like the Minister for Finance to state very clearly that anybody who paid graduated personal tax in 1969 at the rate of Sh. 24, for the year of 1970 he will be automatically exempted. If we could say that, and if only in rare cases a few people could be proved to have substantially improved in their incomes, they could be considered for being uplifted to Sh. 48. Otherwise, Sir, we have learnt the bitter way. We have learnt that after such a statement there is a confidential directive from the Office of the President to the provincial commissioners, the district commissioners, and right down to the chiefs, and as a result the Assessment Committees will not allow us to reach the desired goal. Therefore, Mr. Speaker, I would like the Minister to look into that very carefully, otherwise it has no meaning at all.

Mr. Speaker, the second point I would like to raise is dealing with the unity and the stability of the country. We have been told that Kenya is stable because we have good leadership. I quite agree. However, I think people can only continue to support a Government if they feel that their future is being well catered for. At the moment—we are talking about unity and nationalism—we are trying to tell everybody that tribalism shall not pay, but the people in the country, especially the voters, have got eyes to see. At the moment we have got six Ministers from one tribe—

Mr. Lubembe: One from Rift Valley.

Mr. Khaoya:—and in the remaining tribes the distribution is very sparse indeed. In the Rift Valley, from where our Vice-President comes, there is only one Minister. Can the Government seriously say that they are paying their part when they are telling people to desist from tribalism, when they are employing six Ministers from one tribe?

Mr. Lubembe: Plus the Attorney-General, seven.

Mr. Khaoya: I do not add in the Attorney-General because I know he came on on his own merit. However, who are the other gentlemen who are appointed here? Can we seriously think that the Government is genuine when they say we should do away with tribalism, and then when it is within their power to appoint Ministers they appoint six from one tribe? In the Western Province, which is one of the largest in population, we have only two. In the Administration, is it not really tribalism when we have three or four provincial commissioners, out of the seven provinces, coming from the same tribe as the six Ministers? We are then told that they do not want tribalism.

[Mr. Khaoya]

Mr. Speaker, the question of commerce was dealt with only recently by my hon. colleague from Kitale, the hon. Muliro. He said that commerce is being entrenched in one tribe; he did not mention that tribe, but I think I am intelligent enough to know which it one is. The Minister for Commerce comes from the same tribe, as the Chairman of the Kenya National Trading Corporation, the head of the Industrial and Commercial Development Corporation is also of that tribe.

An hon. Member: Which tribe?

Mr. Khaoya: I do not know.

An hon. Member: Kikuyu!

Mr. Khaoya: My hon. friend is saying that it is the Kikuyu tribe.

Mr. Speaker, when 10 million people in Kenya decide on a Government, they do so solely because they think that their future will be well looked after and they are all going to benefit. However, only recently we had an example when one of our hon. Member of Parliament, the late Argwings-Kodhek, passed away, and he was a Minister in the Foreign Office. Only two days after his burial a replacement was made, but that was a Minister from the same tribe. The hon. Koinange, we know, was holding a portfolio in the Office of the President dealing with Administration, but that one has not been replaced. Why, if it is not tribalism? We had Mr. J. M. Kariuki who was the Leader of the National Youth Service, but when he was appointed Assistant Minister to the Minister for Agriculture, that one was left vacant very conveniently. Why? If that is not tribalism, what language can you put to that? We are now coming to a General Election and our voters will ask us about these things. They will say that they are going to vote for Mzee, but are they going to vote for a Kikuyu or the President of the party?

Mr. Mwithaga: What is the alternative?

Mr. Khaoya: The alternative I will come to immediately, but not until I have talked a bit about it.

Mr. Speaker, I think what we require here is an immediate reshuffle of the Cabinet so that our President can prove to the country that he is not tribal himself, and then the Government can then be a Government of the people and not of one tribe. Where there are anomalies like this over the provincial commissioners, they should appoint, say, some Luos, some Kalenjins or some of the Mombasa tribes, so that they can fill these jobs. If they do this, we can go to the General Election feeling that we can fight, but otherwise what do we stand to lose if the Government fails?

Mr. Mwithaga: Are you serious?

Mr. Khaoya: I am very serious indeed.

Mr. Speaker, then there is the question of farmers. We were told that our economy is not very bad, but I feel that our agriculture has not been given the due prominence which it ought to get from this Financial Statement. As if matters were not bad enough, the Minister has gone into it very deeply to interfere. According to the statement here, he has now made the cost of production rise for the producers by denying the East African Railways fair play. To demonstrate that, if you look at pages 43 and 111 of the Economic Survey, you will see the amount of goods which Kenya is exporting. Previously the Railways and Harbours had a very good system in that they charged below the real cost when, for example, we sent out coffee or tea; they did not charge the real cost that it should cost someone to export this produce. They charged less because they had worked out a system whereby the imports, say like petroleum, were charged at a higher rate. I think, in that case, they were lowering the cost of production to farmers. However, after the Government had introduced the competition of the big vehicles on the roads, some of which can carry as much goods as a railway wagon—who knows what we are going to have in the future, since now we have some road vehicles carrying as much as 10 tons or 20 tons? In the future we will have some carrying as much as 100 tons. You find that these vehicles are taking away all the good trade of exportation from the Railways and, as a result, the Railways are now bound and forced to charge higher for our produce when we send them to the world markets. This definitely increases the cost of production, which means that we shall get less for our products. I think we have good reason for demanding that these big vehicles be removed from the roads forthwith because they do not help anybody at all in Kenya. You meet them during the night and you find that there is one light showing, and when you overtake the vehicle you think you have overtaken it only to find that you are passing a very long body. These are a danger to our drivers and I think they should be removed. They are also a danger, as I have said, to our economy. In any case, we have seen how dangerous they are in destroying our roads, especially the Nairobi/Mombasa road, even before it was opened officially.

Mr. Speaker, if I may continue, I would like to touch on the question of roads in Kenya. Only yesterday, in my capacity as Vice-Chairman of the Kenya National Farmers' Union, I was holding a meeting with the County Councils of Bungoma, Kakamega and Busia, and in fact we intend to

[Mr. Khaoya]

hold more meetings with other local authorities. The roads in Kenya are so bad that they require urgent attention from the Government.

Mr. Lubembe: You are also (Inaudible.) vice-chairman.

Mr. Khaoya: Yes. If that is the order of the day, what can you do?

The roads are so bad, Mr. Speaker, they require urgent attention. I know there is a Government criterion for selecting minor roads and putting them up to secondary status. I understand it is based on the number of vehicles passing on a given road, but in farming areas, surely it is not the number of cars which should be the criterion; it should be the number of farms, and the number of tons of produce which that area gives out to be the basis on which the Ministry of Power and Communications should base their findings when they allocate new secondary roads in a given area. Without doing that, we are only retarding transportation of our produce, and we all know how difficult and dangerous it would be if we were to delay, say, in taking produce to the Maize and Produce Store.

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

Mr. Wario: Mr. Speaker, I would like to join with my colleagues in this debate. I call Kenya a blessed country. The country is blessed to have all this money to spend on its people for development. This has been continuous, and we have this money. We are better off than most African countries, and I know there are some countries where the budget is similar to that of our city council. However, the people in those countries are happier than the people of this country, Kenya. They only have a little money to spend, but the money is spent so fairly, and that makes all the people happy. In Kenya we have all this money, we are blessed with good land, and so on, but the people are not as satisfied, or as happy as those poor people are. Unless we share everything we have, however much, however little, within ourselves, within the entire Republic, then we are not going to make the people in all the corners happy wherever they are. Here in Kenya we have embarked on a policy whereby we concentrate development in some areas only. It is these cases which are bringing problems to the country. Such problems should be cleared before we go out for election, and those who come to this House, and even those people outside, should know that Kenya is Kenya, and a good Kenya too, because we have everything to ourselves.

Mr. Speaker, Sir, I am especially concerned with the Ministry of Agriculture and their way of

giving out loans. There are people in this country who are in different categories. There are some who keep animals and they are called nomadic tribes, like ourselves in the far north. This section of people is completely forgotten, and we do not always want to be called—sometimes Government thinks we are proud of this—less developed people. They think we are proud to be known as those people who have been left behind. We are not proud of this, and we even take it as an abuse when we are always referred to as the less developed tribes, or our areas as the backward areas. Why should this continue. Since 1963 and independence up to date, we have been called less developed. If we are less developed, and if it is known that these areas are less developed, why has the Government not gone out to develop these areas? To continue, daily, saying this, that we are less developed and backward—we are taking it as an abuse. It must be known that we cannot continue like this. All right, if these areas are less developed, then something should be done to improve the standards. Unless all the parts of this country are brought up to the same standard, nobody will be happy. If you give one area a large amount of money, that area will be happy. However, what about the other areas of the country which have less development and which less is done for?

Mr. Speaker, we are nomads, we keep animals. We have not done much on the land, we do not have good land, but it should not be said that these areas will be like that for ever. It should be known that we do not now have as many cattle as we used to have. We have to follow the rest of Kenya on our own. We have gone back to the land. We are now trying to till the land, and for the information of the Minister for Agriculture and the Minister for Lands and Settlement, we have a lot of maize, and so on, and we are like many other people in Kenya. However, the Government has contributed nothing to our efforts. Unless the people are encouraged in what they do, then they will give up. In the north, even, where it is arid, there are parts which could be irrigated. Areas such as Kano now have irrigation and they are doing very well. If our area is to be developed, then where irrigation is possible it should be carried out. The Government has not done this, the National Irrigation Board have done nothing in this area. If the area is irrigated, the people there will come up to the standard of other people, and we will be happy. When people in other districts raise land issues, we shall also be there to say something about it. We have always sat back when people talked about land, or agriculture, coffee, and so on. We just listened, because this was not for our area.

[**Mr. Wario**]

Now that we have tried on our own to do something, in a smaller way, it is for the Government to come out and help us, to push us forward in this particular aspect of irrigation. If there is a place which can be irrigated, then it should be irrigated. We had all this trouble during the shifta time, but now we know that if this area were irrigated, we could come up to the same standard as others.

Mr. Speaker, Sir, we have this other issue, local government and county councils. They have been given almost all the burden, because they have taken over health services for the people, they have to take care of the primary schools, and they are given very inadequate grants. They will collapse if they have too much—yet this *kodi* has been taken away from them, the Sh. 24 *kodi*. This will not keep the local government stable in any way. If we want the local governments and local authorities to do a good job, a few of these responsibilities should be taken away from them, and if this is not done, then they should be given sufficient money. There should be more money in the Ministry of Local Government than in any other Ministry, with the exception of Education, because it is very important as far as the people in all areas are concerned. When I say this, Sir, it is because most of the county councils in this country are going bankrupt. They are not able to pay the teachers, they are not able to serve well. This is because they do not have enough money. What they collect is no use, and the Government only gives them very little in the way of grants. If nothing is done, then the county councils are not going to serve the public well. Here again, in referring to backward areas, the Government has mentioned the North-Eastern Province, and in this they have included us. If I try to say something about Isiolo, or the hon. Member for Moyale or Marsabit raises something about their areas, they talk about the North-Eastern Province. How can we call ourselves North-Eastern when we ourselves know that we are in Eastern Province? The Government should know the difference between North-Eastern Province and those of us, though we are the same people, the same tribe, who come from the Eastern Province. This is because the Ministers do not know where the boundaries are. They always speak of the North-Eastern when I tell them something about Isiolo. When I tell them that we need this and that in Isiolo, they say, "Oh! we have sent ten officers to North-Eastern Province". This cannot be. We have been more forgotten than ever, because when we talk about our constituencies our own areas,

we are referred to what is happening in the North-Eastern Province. We do not need this. This should be made clear because it causes confusion. If we are going to have this confusion all the time, then a day will come when we will have left these areas far behind, this one of ours in the Eastern Province, because every time we talk about our own constituencies and our own areas, we are referred to the North-Eastern Province. We are not from North-Eastern, and these people do not know.

An hon. Member: Do you come from Eastern Province?

Mr. Wario: I come from Eastern Province. We are, in fact, within the same province with these other people like Kamba, Meru and others. These people should know that we are not from North-Eastern Province.

Mr. Speaker, Sir, another thing which will soon put this country into chaos, as I can see, are false promises that are being made here and there. At the time of independence, there were some false promises which were made and which have not been fulfilled even today. Wherever these Ministers go, they go on giving false promises. They will promise this and that, we are going to allocate this money to this and that. However, they do not do this and it is very bad, especially where a Minister comes to a self-help project, where the people have contributed so much, and says, "All right, this year I am going to give this amount of money; I am going to do this and that." However, he does not do this. These are the false promises which we do not want because they are going to lower the morale of the people in these self-help schemes. If they say they will give so much money, and go on doing that all over the country, it is not good at all. I remember one or two Ministers who had come to my area and they did the same—for example, the Minister for Social Services, who I can see over there. He gave us a promise that he was going to complete one of our projects with his money. He said he would offer Sh. 30,000, but he never did that. My people are always asking me about this money. When I ask him he refers me to Isiolo, but when I go there I find nothing. So, these are the sort of things which we must take care of. Unless we take care of this at this stage, then we are going to find ourselves being given false promises, and this will be called a false Government instead of the Government for the people. If you create a mess for yourself now, at this stage, then you have nowhere else to go.

The Minister for Co-operatives and Social Services (Mr. Ngala): On a point of order, Mr. Speaker, Sir, the hon. Member has alleged that

[The Minister for Co-operatives and Social Services]

my Ministry and I have promised to give his area—I suppose it is his district—materials or money for self-help projects. He further says that the Government, that is my Ministry, has not fulfilled this. Mr. Speaker, Sir, when a Member makes such a serious allegation in the face of the truth, which is that the money has been distributed in the current year, and the materials have been already deposited with his district commissioner and the community development officer in the area, and it is, therefore, his duty and that of his committee to dish this out, is this fair to the Government?

The Speaker (Mr. Slade): I think you are asking the hon. Member to substantiate what promise has been made and not fulfilled.

Mr. Wario, you are being asked to say what promise has been made and not fulfilled, and what evidence you have of these things.

Mr. Wario: Mr. Speaker, Sir, the promise that I was speaking about—in fact I have been talking generally. But if the Minister want the particular one, the same Minister came to my area last year and said that we were going to have a social hall in my area completed, and that his Ministry would expand a sum of Sh. 30,000 in that particular social hall. However, up to this time nothing has been done. I asked him last week about it, and he told me to go back to Isiolo only to find that there was nothing. In fact, even the community development officer presses me to go and see the Minister.

The Speaker (Mr. Slade): Can you tell us exactly what occasion it was, where and what date? You might forget the date, you might not remember exactly.

Mr. Wario: This is Garba Tula Social Hall, but I cannot remember the date when he was there, Mr. Speaker.

The Speaker (Mr. Slade): Last year?

Mr. Wario: Yes, last year. We were there, and he was with us.

The Speaker (Mr. Slade): And you were there.

The Minister for Co-operatives and Social Services (Mr. Ngala): Mr. Speaker, Sir, this is a subject on which I think I should—I would like to seek your guidance as to whether I can make a Statement afterwards on this, because I think it is a very unfair allegation on the side of the Government.

The Speaker (Mr. Slade): Yes, if a charge is made against an hon. Member, he has the right

to make a Personal Statement to refute it. You might like to make it on some other occasion then?

The Minister for Co-operatives and Social Services (Mr. Ngala): Yes.

Mr. Wario: Mr. Speaker, Sir, in fact, although the Minister is trying to put me down, it is known and many Members could support me on this matter. It has happened that wherever they go, there is a promise made. They make promises, and as our Government we want a Government that fulfils its promises. We do not want a Government that goes by the head. If they do not want to fulfil their promises, who is to fulfil what the people of this country want?

Mr. Speaker, I will go to another subject. We have, as I said before, people of this country in different categories. We have those who are nomadic and those who are agriculturists. Now, we have always been looking at only one section. We have been given loans for developing land, and also for building houses. I have two hundred, three hundred, or four hundred head of cattle, and several people in my area have the same number. However, when they ask for loans, they are never given. Even if one has a plot, he is never given the loan. We, therefore, want to see to it that even those who herd the animals, or those who keep animals, should be thought of because they dominate one particular section of the country, the Masai, the Boran, the Turkana, the Kamba, the Somali, the Kalenjin; all these people keep animals. Unless you think of how to help these people, put them along with agriculture because this industry is a big one in Kenya, the beef industry, how you are going to help these people must be thought of. You cannot say that they do not have land, they do not have this and that, and, therefore, they cannot produce surety and cannot be given loans. If you are going to say that, then these particular section of people in this country will remain in the same position forever, and ever, amen. Unless the Government goes out and thinks about these particular people, and how to help them in case they want loans for developing their land, or improving animals and beef industry, or whatever it is, then they should know that these people will not develop.

If you base the argument that these things cannot be security because—

The Attorney-General (Mr. Njonjo): When were you there last?

Mr. Wario: Myself?

The Attorney-General (Mr. Njonjo): Yes.

Mr. Wario: Where? In the north.

The Attorney-General (Mr. Njonjo): Yes.

Mr. Wario: I came yesterday. I am not like you who live in Nairobi, please.

Mr. Speaker, Sir, he is trying to put me off, but anyway, what I was saying is that even those people who keep animals should be thought of. Since my time has expired, thank you very much.

Mr. Kago: Mr. Speaker, Sir, I would like to join with my colleagues in congratulating the Minister for Finance for giving us what we have termed a wonderful Budget, which I think has taken care of a lot of problems which were pressing on our people in many cases.

Mr. Speaker, Sir, having said that, and remembering that we have only 15 minutes, which I consider very short a time, I would like to leave that and go to the Statement itself.

Mr. Speaker, it has been mentioned in this House by a number of hon. Members that there is unfairness in the distribution, say of jobs, of finances, and quite a lot of other things. This, Mr. Speaker, looks to be a criticism that is meant to be levelled against a certain tribe. Mr. Speaker, I do not want to be accused of being tribalistic but I think it is very wrong when a group of intellectuals, as I would call the hon. Members of this House, choose for convenience of their own, to condemn a tribe generally for activities of maybe individuals.

Mr. Speaker, I think there is calculated character assassination against the Kikuyu tribe. Mr. Speaker, as most of the Members have spoken here, and even the HANSARD can show, have talked a lot of things just saying that it is Kikuyu who are doing this. Mr. Speaker, I think that the hon. Members here are intelligent enough to know that all those bodies, boards and likewise which are concerned with distribution of those things that they have spoken about, do not consist of Kikuyu members. Mr. Speaker, many have spoken about Industrial and Commercial Development Corporation. I think it would be advisable for the hon. Members to remember that Industrial and Commercial Development Corporation Board of management, or whatever it is, comprises members who are drawn from all over the Provinces. In fact, Mr. Speaker, the members are drawn from each Province, every Province returning one member.

Coming to Agricultural Finance Corporation, Mr. Speaker, the body that gives finances to farmers, it is the same thing; every Province is represented by one person at least. And not only that, coming to education, it is the same; every Province is represented by a member from that Province.

Mr. Speaker, if all the members of these boards decide to give, say, a loan for higher education, say, a loan for trade development, or maybe a loan for agricultural development, to a certain applicants, all of them agreeing either unanimously or by vote, then why should it be said that it is one tribe that is doing that? I do not want to question the intelligence of those hon. Members, but I think it is rather unfortunate that they have not done their homework enough. I would ask them, also advise them, to do more homework to find out that it is not a tribal matter but it is a board's matter.

Mr. Speaker, this can be proved from documents which are, from time to time, issued here, or in other Governmental records. These can show that those that have been given something, have not been given because they belong to a certain tribe but just because the members were satisfied with the facts that were wanted before one could be considered for this kind of thing.

Further, Mr. Speaker, I think it becomes very unrealistic when a tribe is accused generally or loosely. If there is an individual, in a tribe, who is wrong, say for that matter if Kago is wrong, why should the whole tribe be subjected to this kind of wrong representation? Why should not the hon. Member say that it is Kago that is wrong? It is So-and-so that is wrong instead of saying that it is the whole tribe? Mr. Speaker, if the hon. Members want to complain about the allocation of Ministries, they should come out directly, because I know they know that it is not the responsibility of the Kikuyu to distribute Ministries; it is the responsibility of His Excellency the President of this country. If they think that he is wrong, they should categorically say that the hon. Mr. Kenyatta is wrong because of distributing the Ministries in the way that he did. To come here and say that it is Kikuyu, Kikuyu, this I think minimizes the hon. Members' standing in a very bad manner. Mr. Speaker, let us call a spade a spade. If the hon. Members are afraid of saying that the hon. Mr. Kenyatta is wrong, maybe according to the Constitution because of how he distributed the Ministries, well it is high time they kept quiet because I can call that cowardice. Nothing else. Instead of doing that, they choose to come and speak of the whole tribe. This is very wrong indeed. Mr. Speaker, having clarified the position, and having heard from the hon. Senator that this is enough because I have educated the House, I would like to leave that point and go to another point.

Mr. Speaker, I was very pleased to hear the hon. Minister speak of abolishing the tax, the lowest tax. I am sure the motive behind this is

[Mr. Kago]

to alleviate the problem that our people are facing, especially those who pay that low tax because they have no money. I would have liked, Mr. Speaker, the Minister to go further and alleviate another problem that brings difficulty to our people. This other problem, Mr. Speaker, is about employment. I am sure a bit of unemployment will be taken care of from the funds that have been shown here in development, but I think that still there are some points that have not been emphasized very strongly which I would like to emphasize.

In the first place, Mr. Speaker, it should be remembered that you will find that, even today, the greatly-hit area in unemployment and in other problems, is in fact, Central Province. Mr. Speaker, you will find even today people still live in those old villages which were known as emergency villages. One only needs to walk a few miles to go to Mr. Gatuguta's constituency and see such a big village like Ruthigiti. I am sure the hon., His Excellency the Vice-President, will see this tomorrow when he visits the area. This is one of the places where you have one of the biggest emergency village still in existence. What is happening to those people is, in fact, a situation which should be looked into for they are suffering a lot.

If you come, Mr. Speaker, to our area in Nyandarua, you will find that we still have those emergency villages, so many landless people with no employment are still existing. They have to live on nothing. It is only God that supplies them with food, and nobody knows how they live. Mr. Speaker, I think one of the problems that should have been taken care of, and here I think that the Development Ministry should have looked into it mainly, is to see how some factories can be established, especially in Nyandarua. We have potatoes—I am glad I can see a mention of potato grants, but it is only £10 that have been allocated for research on how potatoes can be more useful than they are. Our area produces the greatest amount of potatoes which can be canned and can even be sent to other areas of the world which need this. I have heard it mentioned, sometimes, that there was a survey which was being carried out to see whether a potato factory can be put, maybe, in Kinangop. We would welcome this and I can assure the Ministry that we will be able to supply sufficient raw material to keep this factory going. The only thing we want is for this to be established.

Another thing I would like the Minister to look into is the problems of those people who are in settlement areas, to see how they can repay their loans. At the moment, Sir, we have talked a lot

about prices of produce. Even though we have talked so much, there is not much that has been shown to be done, or that will be done. I would like to see a correct planning of these areas. When the land was allocated to the people, it was allocated with a view to producing food to be supplied to the market that was then existing. At the moment, however, the market has changed, and because of this we would like to see classification of crops so that those areas that are the only areas where a certain crop can do well should be given this crop to produce. In this case I have in mind pyrethrum. You will find that in Nyandarua you have the best soil for growing pyrethrum. If the pyrethrum that was required in Kenya was given to the Nyandarua people to grow, I am sure they would do a wonderful job of its production, and from this they would be able to satisfy the market and the prices fetched on such markets would be stable and would help the farmers concerned.

Another thing I would like to mention is about the growing of wheat. Here we have a very big complaint because, previously, when the European farmers used to grow wheat, they were given Financial Minimum Return or Guaranteed Minimum Return. They were never refused permission to use the following year's Guaranteed Minimum Return just because they had not paid the previous year's amount. At the moment it has been made very difficult for our farmers, especially the Africans, because even if they have an allocation of Financial Minimum Return from time to time, unless you have repaid the previous one you cannot be allowed to use the new allocation. This is becoming a problem and, in the end, since the farmers are not being allowed to use the new allocation to enable them to work on their *shambas*, they will not even be able to redeem the previous one. Thus Government will be faced with the question of writing these other allocations off. When this point is reached, nobody will benefit from this.

Lastly, Sir, I would like the farmers, especially in settlement schemes to be given more development loans so that they will be able to better their plots for the benefit of the country.

Mr. Speaker, I beg to support.

MINISTERIAL STATEMENT

PAYMENT OF GRATUITIES TO MINISTERS

The Speaker (Mr. Slade): Hon. Members, I think it will be in the interest of the House if we interrupted business for a moment now to allow Mr. Mboya to make a Ministerial Statement. You may recall that, when I disclosed to the House two days ago the fact that payments had been made in respect of gratuities for Ministers and

[The Speaker]

Assistant Ministers, I said that I was asking the Auditor-General to provide a report, and that I did not think we should discuss the matter any more until we receive that report, unless the Government had something to say on the subject meanwhile.

Well, I am not at all surprised to hear today that Mr. Mboya, on behalf of the Government, would like to comment on the situation, and he has every right to do so. I am sure the House would like to hear him.

Will you make your statement now, Mr. Mboya.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, in view of the impromptu Communication from the Chair that you, Sir, made in the House on the 25th June, I now desire to make this statement.

In your communication, Sir, you stated that it was a fact that a large sum of money has been spent out of public funds for gratuities for Ministers and that payment had never been authorized by this House. You further described this expenditure as a deliberate excess and as a contempt of the authority of this House. Mr. Speaker, the Government does not accept these two views.

The House will recall that the issue of gratuities to Ministers was the subject of a lengthy debate by this House on the 4th and 5th of December 1968. In introducing the Motion to exempt gratuities from income tax, the Assistant Minister for Finance said, and I quote:—

“As Members may be aware, the terms of service and the appointment of Ministers and Assistant Ministers have been revised to provide for a gratuity to be paid based on their salaries. The Members may be aware that the terms of service of Ministers and Assistant Ministers are the responsibility of His Excellency the President. I recall, and I want to remind the hon. Members, that in our Parliamentary Group Meeting, His Excellency, the President, when presiding over the meeting of the Group, indicated to the hon. Members that Ministers and Assistant Ministers were given gratuity, in fact.

At that meeting, Sir, there was not any query nor was there any controversial debate which took place on this subject. I take it, therefore, Sir, that the hon. Members, according to the Parliamentary Group, that is, the Kanu Parliamentary Group Meeting, which met, have consented to this payment of gratuity to Ministers and Assistant Ministers.”

Mr. Speaker, that is the end of the quote of the statement made in this House by the Assistant Minister for Finance in December of last year.

Mr. Speaker, the hon. Members who are in the House today, most of them, I believe, were in the House on that occasion and cannot have failed to have heard these words stated.

Mr. Odinga: On a point of order, Mr. Speaker, may I know whether this is a Government statement or the Minister is quoting what we read in the Editorial of the *Daily Nation* today?

The Speaker (Mr. Slade): No. The hon. Member is making a Ministerial Statement in defence of Government in answer to what was a serious charge from the Chair. He is entitled to quote anything relevant to that defence, and he is quoting from HANSARD at this time.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, what I have quoted is not from the *Daily Nation*, but from the HANSARD of December 5th, 1968.

From these passages, it is quite clear that this House—I want to repeat this, Mr. Speaker—from these passages that I have quoted from the HANSARD, it is quite clear that this House was made fully aware, if indeed it was not already aware, that these gratuities were being paid.

The Motion, Mr. Speaker, to which I have referred was accepted and approved by the House on the 5th December. Only one conclusion can be drawn from this approval, namely that this House agreed to the payment of these gratuities, as well as to their exemption from income tax. You, Sir, Mr. Speaker, on the 5th December gave a ruling on the matter in which you said in respect of gratuities, and I quote again from the HANSARD. You said, Sir:—

“... we are assured by the Mover that they were covered by Estimates and by an Appropriation Act. If they were, they have not been illegally paid. It may be that they were wrapped up in Estimates in a way which the House does not like, but that does not make them illegal.

“The only person, I think, who can tell us whether or not these payments are illegal is the Controller and Auditor-General.”

That is the end of the quote, and those, Sir, were your words, appearing in the HANSARD in December, last year. With respect, Sir, you are correct in saying that under the Constitution, the only person who can tell us—all of us in this House—whether these payments were duly authorized, is the Controller and Auditor-General, and nobody else. No other person can

[The Minister for Economic Planning and Development]

make that judgment except the Controller and Auditor-General. But, Sir, with great respect, neither you as Speaker of this House, nor the Government, can direct or even ask the Controller and Auditor-General to make a report. The Constitution itself requires the Controller and Auditor-General, under section 105, to consider the validity of every expenditure, and to report when he sees fit, but at least once a year, to the Minister for Finance. He reports to the Minister for Finance, and not to any other person. The Minister for Finance is then bound by the Constitution to lay this report before the House within a period of seven days after the House has started meeting during that time. Mr. Speaker, no variation of this procedure is permitted by the Constitution, which specifically states that the Controller and Auditor-General shall not be subject to the direction or control of any other person or authority in the performance of his duties.

The Government has no wish to prejudge the view which the Controller and Auditor-General may make in any report. However, I can assure the House that payments have been made from money voted and appropriated by this House. The Government considers that these payments were properly chargeable to the personal emoluments subheads of the appropriate Votes, and that any possible argument that the subheads of those Votes did not adequately refer to these payments has been met by the statements made during the debate of the Motion in December, 1968, and by the acceptances of those statements by this House. Mr. Speaker, if the Controller and Auditor-General advises that these payments need further authorization, the Government will, of course, take the appropriate action.

I wish to say one further word, Mr. Speaker. Readers of the foreign Press have been given the unfortunate impression that the £1 million by which the Vote on Account was reduced, all related to these gratuities of Ministers and Assistant Ministers. Mr. Speaker, that is not correct.

An hon. Member: What figure was it?

The Minister for Economic Planning and Development (Mr. Mboya): As the hon. Members have been well aware, the individual gratuity is based on 20 per cent of the basic salary. The total annual sum, therefore, earned as gratuity—instead of the wild figures which have been mentioned all over the place—by all the Ministers and Assistant Ministers put together, is of the

order of £26,000, as has been repeatedly affirmed in this House. I hope the figure which has now been quoted will help clarify this matter once and for all—

Hon. Members: No, no.

The Minister for Economic Planning and Development (Mr. Mboya):—because there have been rumourmongers going about, talking about Ministers having allocated to themselves and distributed among themselves £1 million, which is entirely false, and has no relevance to fact. As has been repeatedly affirmed in this House—and I wish to give the hon. Members this assurance—the Government is dedicated to upholding the Constitution and the law of Kenya. Any suggestion to the contrary is gravely damaging to Kenya's image and reputation and, what is more, does not reflect Government's thinking or actions.

The Speaker (Mr. Slade): Hon. Members, it is usual, when a Ministerial Statement is made, to allow questions genuinely seeking further information; but on this occasion I stand by what I said before, that assuming we may expect a report from the Controller and Auditor-General, it is much better to defer all discussion of this until we receive that report, with the exception that obviously Government had to have an opportunity of commenting on what I said. I ask all hon. Members to accept this as the best course, to wait for the Auditor-General's report. I likewise, though I might like to have commented on what Mr. Mboya said, will hold myself bound by that and make no comment until we have the Auditor-General's report. We are all very clear as to how we rely on him in such circumstances. Certainly, I never intended to suggest before, at any time, that I had the power to direct the Controller and Auditor-General to make a report. The position is precisely as stated by Mr. Mboya. What I said I was doing, and what I have done, is to ask for a report, and that is only following a precedent of another occasion in which the Controller and Auditor-General reported to the House on certain expenditure without authority. In the hope that the Auditor-General will comply with my request—not being bound to do so at all—I say we will not discuss this further until we have his report. Of course, if no report is forthcoming, then the matter might have to be discussed further in some other way, but let us wait and see what attitude he takes. Of course, the procedure is, as Mr. Mboya has said, that any such report goes to the Minister for Finance, who in turn has to lay it on the Table within seven days.

Mr. Shikuku: On a point of order, Mr. Speaker, I am just seeking your guidance on this. It is obvious from the statement there that in spite of your ruling from the Chair that you ask the Auditor-General to submit a report to this House before we debate the issue, it is now known quite clearly that we have no powers, or you have no powers at all to ask the Auditor-General. What will happen in the event of the Auditor-General blatantly refusing to submit the report to the House? In view of this statement, are we not allowed to debate the issue regardless of the Auditor-General's report, because he can as well be told not to submit a report to you?

The Speaker (Mr. Slade): I do not think I can add anything to what I have just said. I am hoping that we shall receive, from the Controller and Auditor-General, a report at an early date; though it is at his discretion whether or not he complies with my request. If he does not, then it will be open to hon. Members to move a debate on the whole issue in some other way.

Mr. Mwithaga: On a point of order, Mr. Speaker, in view of that further statement by you, and in view of the contents of the statement by the hon. Mr. Mboya, what would the House stand to do if it is understood from from the statement that the reference to the resolutions of this House are a matter of fact—what is true—what can this House do?

An hon. Member: What do you mean?

Mr. Mwithaga: I know what I mean.

The Speaker (Mr. Slade): These are, to the best of my knowledge, true quotations from HANSARD. I did not detect any falsehood in the quotation from HANSARD.

Mr. Odinga: On a point of order, Mr. Speaker, Sir, May I get this clear: the Minister who was speaking, was he speaking on behalf of the Minister for Finance or the Attorney-General?

Hon. Members: Government.

The Speaker (Mr. Slade): I think he was speaking for the Government as a whole because of their collective responsibility; there is no doubt of that.

Mr. Seroney: On a point of order, Mr. Speaker, you have ruled that in practice what is normally allowed is simply to ask questions arising from the Ministerial Statement—and I do not wish to do so—and you have also just said that in the eventuality of a report not being coming from the Auditor-General, Members debate this in another way. However, as far as I am aware, there is only a Motion on the subject, which is hardly ever a satisfactory

way of concluding anything, and the hon. Minister has raised very important points, some of which I do not understand, about his interpretation of the Constitution and of the powers of this House.

The Speaker (Mr. Slade): Order! This is not intended as an opportunity for comment on the Ministerial Statement. If you are worrying what procedure would be available in the event of having no report, well then I think we shall consider that, and I shall advise hon. Members, if and when the occasion arises.

Mr. Odinga: On a point of order, Mr. Speaker, I would like to get your ruling on this: when the Minister was speaking, he said that the Auditor-General would only report to the Minister for Finance, but as far as my knowledge goes, the Minister has got limited time in which he has to submit this, and if he does not I think the Auditor-General has got the full right to report to this House; if the Minister does not do it within seven days. Is that not correct?

The Speaker (Mr. Slade): I am quite sure that, if the Minister receives a report he will comply with his constitutional obligation of laying it within seven days.

I think we had better resume the debate now. I think we have had enough points of order on this now.

Mr. Shikuku: On a point of order, Mr. Speaker, are we not allowed to ask questions about this?

Hon. Member: No.

The Speaker (Mr. Slade): No, for the reasons I gave; I think it would be best for the House to wait for the report.

Who wishes to continue in the debate on the Financial Statement?

Mr. Odinga: Mr. Speaker, Sir, on a point of order, I take this to be rather serious. Do you think it was correct for the Minister—I thought the Minister misrepresented the House in his statement by saying that the House was aware that the Ministers were going to receive gratuities.

The Speaker (Mr. Slade): Order! We cannot discuss this business now, Mr. Odinga, except on straight points of order; this is not a point of order. We are going to have debate on this subject, one way or another, whether on the report from the Auditor-General or otherwise, and that will be the time to argue the facts of the case.

Mr. Ondiek-Chillo: The Minister should be arrested!

The Speaker (Mr. Slade): Order! Does any hon. Member wish to speak on the Financial Statement?

COMMITTEE OF WAYS AND MEANS

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR
(Resumption of debate in Fourth Day of Budget
Debate interrupted by Ministerial Statement)

Mr. Tuwei: Mr. Speaker, I am very glad that the Government has issued a very correct statement, even if it is found to be incorrect later on. As from today, Mr. Speaker, I will speak as to how the Government has acted to show us the mood in which this country can be run smoothly without Parliamentary authority. Sir, this unauthorized authority should be known and it should be legalized because this has not been done already. We would always—

The Speaker (Mr. Slade): Order! Mr. Tuwei, you are entitled to discuss, in general, the authority of Parliament, but you are not entitled to discuss in this debate what I have said we shall not discuss until we have had a report. Therefore, keep off this particular subject of gratuities, which I think you are on; come off it please.

Mr. Tuwei: Thank you, Mr. Speaker.

Mr. Speaker, Sir, I think that because I am now speaking on the Committee of Ways and Means, on how the Budget was put, I will have to reserve some comments and air them when the House is in Committee stage.

Mr. Speaker, Sir, today the world, the country, cannot suppress the Press in which there are many opinions which the world has already formed. We, in this country, have to make a clarification of what we have said. Today the Auditor-General says this thing, when we agree with Mr. Speaker, but the Government has not stated clearly whether the Speaker has the right to tell us the truth, and telling the truth to the world. Why, today, are we being told that there were other people who were somehow responsible to be the Speaker of this House to whom we need to report such matters, in the way in which we really want?

Mr. Speaker, Sir, I rise today because I would like to say something. Our people are very, very glad because they heard that anybody earning £48 per annum does not have to pay that kind of taxation. However, why are there people, like Mr. M. J. Seroney, who contribute something to the revenue, £118 per year, due to the course of the bursary he had during the colonial times, who have to pay this; why is that not abolished? If the Government continues to pin down somebody in person for many, many years, even within independence, it is really very bad for a Govern-

ment of this nature not to forgive, yet we are saying in the field that the past is the past and we should forget and forgive each other. Now, why I raise the matter is that he himself has already been banned by the law society. In Kenya they should see how a man could live, either by his own way of life, or not to be crippled in another way of making him a source of revenue, so that they abolish the other part of taxation in the country. Why, he himself, who also pays income tax to be brought in as a person and be pinned down so long alive in a Parliament as we are, and they might continue to do so in later days.

Mr. Speaker, Sir, I now come to say something about irrigation. If we talk so much about irrigation alone, why not about settling the squatters? I am always speaking about it wherever I speak, and whenever I get the chance to speak, Mr. Speaker. We have some people who are abandoned in Rift Valley Province, who are in Uasin-Gishu District, the squatters, some of whom are the owners of the land. Some of these squatters left to their homeland during independence, or prior to independence. Now, Mr. Speaker, those people are there, their names have been recorded in the office of the Commissioner for Squatters, and these people have not yet been settled, and whenever there is a settlement scheme, other people are brought from another district, or any part of the country within Kenya, and settled there. This is because they are called "national debt of settlement". I object to this nationalism, Sir, if it will not cater for those people who are near the settlement schemes. If those people will not be settled first, then I reject this "national debt of settling squatters".

There are in my area so many squatters, and and if I represent them as a Member of Parliament, and when I raise the matter, they come and tell me that they are settling squatters on a national basis. Why are the Kalenjin people thrown away from Nyandarua District, and asked to go to the district commissioner of their own area? In Uasin-Gishu District, they say that the squatters are on a national basis. Why not ask those to go and see the district commissioner of their own area?

Mr. Speaker, how are we going to work in this country, while now they are touching expansion of another empire which is being expanded through another back door, just like this graduated personal tax we are having at the moment? We, who are now leaders in Kenya, it is our duty to report all this during the time we are in this House. If everybody is to go to his own district commissioner, we shall be coming

[Mr. Tuwei]

to *majimbo* system, which, if it is still existing, we could sympathize with; but now we cannot do so because we are united. This unity allows some people to go out and lock people in doors, thereby preventing them from going out, and this is another terrible business, which I must say I object to. I appreciate that democracy has been followed in this country, and I also appreciate the stability we have. Our budgets, especially the one we have today, which we have already grasped and digested, are usually very fairly drawn. We believe at the moment that the country has already accepted the budget as it was presented in this House on the 19th June, by the Minister for Finance, and I believe that the people who have been exempted from taxation, have also noted the trend of the Government towards free education, free taxation—whatever it is, I do not know; but as it has begun with exemption from taxation, it will also come to other services.

Mr. Speaker, Sir, another very important item, is what happens to the farms, that have been taken over by the State. These State farms should go to able people. The people to whom they are given, when the lease-period is over, should hand them over to local Africans. You find other people coming from the outside to come and take over, yet the other people have been banking their money, so that they can lease the farms already in their own jurisdiction, and later on, they find a letter from Nairobi authorizing So-and-so to go and lease the farm. These people always come from Kiambu and Murang'a Districts, and the rest I do not know from where; other are members of co-operative societies. Our co-operative societies have been regarded as useless, and if the others are better, well, they will tell us. Why should we give responsibility to a district commissioner, and make him in charge of the Control Board, and yet not allow him to authorize that So-and-so will take this land according to the conditions made here, the first priority goes to the people who are in a particular locality Sir, Nairobi here, is not within our locality; so, we would like the Minister concerned, always first of all to investigate the matter at home before he decides from the Headquarters here, or wherever he is.

Mr. Speaker, Sir, I had a lot to say here, for even the members of the Industrial and Commercial Development Corporation, or the Kenya Tourist Development Corporation, do not actually visit the districts concerned in the business in question. They merely make hasty decisions, just because they want to satisfy the person who comes first, and therefore, they just give him a loan to his business. You find a man comes from

Murang'a District, who is the first man in the Trading and Licensing Board in the record, using the road up to the place where I was born, and the man who authorizes him, is the man who has never been to that area, but if I go to him, he tells me to wait, for this thing will go on according to the national basis. We would like to know, as from today, whether nationalism exclude or not, in any social service, or in any business basis, I will not keep quiet myself, for I will be scrutinizing, whether the Ministers will be having gratuities, and they will class us as those who have been supporting the Government in the way of criticizing us and cover such mistakes. If they will come to blame us, we will know it will be for the election purpose they will be doing this.

Mr. Speaker, Sir, we are not this KPU, and we are members of Kanu; we are supporting the Government, as well as making some criticisms which could be done. We are not going to allow the Ministers to get funds from the development funds and say that they are in order. All Members of Parliament should be given cheques to issue for any dispensary, any health centre, whereby we can go to our people and present them. Let them hear and give us those cheques and we will take them, and if they are returned, we will know that the cheques were dishonoured because the Ministers mind about their own wants, and have no funds of their own. If it is a Government development fund, let's present such a cheque, or Mzee Jomo Kenyatta *mwenyewe* go to present such a cheque, but not the Ministers going here and there, and some of them wanting to stand for presidential election. We have already gathered that some of them would like to do that

Mr. Speaker, Sir, when it is a matter of issuing licences for political rallies in the districts, you sometimes find your application being rejected by the district commissioner due to the instructions directed from Nairobi. We would like to know about this problem, so that we could be reporting to this office in Nairobi before going to hold a political rally. This is another terrible set-back, for whenever you want to go and hold a meeting, you hear from such-and-such a Minister that the meeting was postponed, and for that reason no meeting will be held at that particular time. You hear from the radio that such-and-such a meeting is cancelled, and you are already at the place where the meeting is supposed to take place as a Member of that area; you hear that somebody from Nairobi cancelled the meeting. This is another thing which we do not concede to, and that is why we object to the question of gratuities. If they give these gratuities to every